

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.1674 of 2018

ORDER:

Heard the learned counsel for the revision petitioner-plaintiff, who is the unsuccessful petitioner in I.A.No.1829 of 2017 in O.S.No.60 of 2011 on the file of the learned Principal Junior Civil Judge, Chirala. Undisputedly the suit is of the year 2011, which is filed for partition and consequential relief of injunction and the other relief as the case may be. On behalf of the plaintiff, three witnesses including himself were examined and after closure of the plaintiff's evidence, when coming to the evidence of the defendants 1 to 11, DWs 1 to 6 were examined and the matter is posted for arguments. At the stage of arguments from closure of the evidence of both sides as said supra, I.A.No.1829 of 2017 was filed on 18.12.2017 to reopen the suit and to permit the plaintiff to adduce further evidence on his behalf by examination of one witness by name Painam Hari Krishna saying he accepted to give evidence being one of the boundary owner of the plaintiff schedule items 1 to 4 and he is the crucial witness to say about the joint possession of plaintiff and defendants 1 to 8 of items 1 to 4 respectively and thereby, prayed to reopen the suit. It is not even the case that the witness earlier not available though he made efforts and if at all he wanted to

examine when available knowingly the so-called boundary owner, nothing prevented even in the course of the evidence of plaintiff.

2. Having examined three witnesses including the plaintiff as referred supra, that too in the suit for partition, there is nothing to permit the petitioner-plaintiff to adduce further evidence much less to interfere with the dismissal impugned order of the lower Court.

Accordingly, this Civil Revision Petition is dismissed. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

23.04.2018
MVA

Dr. B. SIVA SANKARA RAO, J

