

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.1673 of 2018

ORDER : (Oral)

Vide the present petition, petitioner has challenged the order dated 13th November 2017, passed in I.A.No.1086 of 2017 in O.S.No.69 of 2009, whereby, the petition filed by the petitioner under Section 151 C.P.C. to grant permission to reopen the evidence of plaintiff and permit him to examine the attestors of Ex.A-1, has been dismissed.

2. The petitioner is plaintiff in the aforesaid suit. He was examined as PW-1 in the year 2011. When the matter was posted for arguments, the petitioner started filing interlocutory petitions. It is not in dispute that the suit belongs to the year 2009 and petitioner/plaintiff is requesting the Court to reopen the evidence on plaintiff side.

3. As stated by the counsel for petitioner, the witness met with an accident, due to which, for the last five years, he is bed-ridden. Thus, the position of the witness remained from the last five years, same as on today. The petitioner failed to establish as to what prevented him from examining the witness for the last Seven years after closing the evidence of PW-1 in the year 2011.

4. In view of above, I find no illegality or perversity in the order dated 13th November 2017, passed in I.A.No.1086 of 2017 in O.S.No.69 of 2009.

5. The revision petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

27th April 2018

ajr

