

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition Nos.2559 and 2583 of 2018

COMMON ORDER:

Aggrieved by the dismissal of two applications one for recalling of PWs.1 and 2 for further cross-examination and another for recalling of DW.1 for further evidence, the defendants 1, 3 and 5 in a suit of the year 2010 have come up with the above revisions.

2. Heard Mr. Y. Ramatirtha, learned counsel for the revision petitioners and Mr. G. Krishna Murthy, learned counsel for the respondents.

3. The affidavit filed in support of these applications is sufficient to dispose of these revision petitions. The petitioners have been fortunately very frugal in their pleadings and hence, the contents of the affidavit filed in support of the petitions are extracted as follows:

"2. I submit that the above suit is underwent trial and the Hon'ble Court was pleased to reserve the judgment and at this stage I came to know that at the time of cross-examination of PWs.1 and 2 my counsel has not cross-examined with regard to the documents relied by me and also the defence taken by me in the above suit and further some documents were also not marked on my behalf in my evidence which causes great prejudice to my contention and loss to me.

3. I submit that the above fact is revealed to me by the advocate newly engaged by me on yesterday and thereby I am advised to file this petition to recall PW.1 and PW.2 and also myself as DW.1."

3. With the kind of such averments with which the petitioners sought reopening, no court could have allowed the applications. Therefore, the dismissal of these applications cannot be found fault with.

4. It is an admitted fact that the other defendants already made similar attempts, but failed up to this Court. The judgment in the suit was reserved way back on 08-12-2017, but could not be pronounced so far due to these applications. Therefore, absolutely there are no merits in these revisions.

Accordingly, the Civil Revision Petitions are dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 20-04-2018

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