

SMT JUSTICE T. RAJANI

CIVIL REVISION PETITION No.2737 of 2018

ORDER:

This civil revision petition is filed by the petitioner aggrieved by the order dated 03.04.2018 in IA.No.26 of 2018 in O.S.No.216 of 2014 passed by the Junior Civil Judge, Bellampalli, by virtue of which the Court below dismissed the petition, filed by the petitioner, seeking for recall of P.W.1.

2. Heard the counsel for the petitioner as well as respondent.

3. The impugned order shows that the petition was filed at a belated stage, chief affidavit of P.W.1 was filed on 03.08.2015 and sufficient time was given to cross-examine P.W.1 and she was cross-examined on 14.02.2016. Since then, the matter came up for further evidence of plaintiff and on 18.04.2016 chief affidavit of P.W.2 also filed and is coming up for cross-examination of P.W.2. On 26.02.2018 the defendant was present and made a request to engage another counsel and the counsel filed vakalath on 05.03.2018 and the suit was adjourned to 12.03.2018, on which date, a petition was filed seeking for recall of P.W.1.

4. The Court below, by considering the docket proceedings and the time given to the defendant, came to the conclusion that the defendant was unnecessarily dragging the proceedings, by changing his counsel and filing this petition. Apart from the merits of the case, the counsel for the respondent now submits that the respondent is aged 79 years at present and that she is not identifying people.

5. Hence, in these circumstances, no purpose would be served even if the impugned order is set aside.

The civil revision petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

T. RAJANI, J

September 14, 2018
DSK

