

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**C.R.P.No.3540 of 2018**

**ORDER:**

Heard the learned counsel for the petitioner. None appears for the respondent.

2. This Civil Revision Petition is filed assailing the order dt.07-06-2018 in I.A.No.500 of 2018 in O.S.No.157 of 2007 of the Principal Junior Civil Judge, Srikalahasti.

3. Petitioner is the plaintiff in the suit. He filed the suit for specific performance of agreement of sale allegedly executed by the respondent in his favour on 04-07-1995. The evidence on the side of plaintiff was closed in the year 2012 and defendant's evidence was also closed on 06-06-2018.

4. At this stage, the petitioner filed I.A.No.500 of 2018 to reopen the suit so that he can adduce further evidence. In the said application, he merely stated that due to oversight, he did not adduce further evidence when he had an opportunity to lead evidence and he should be given an opportunity to do so.

5. Counter affidavit was filed by the respondent opposing the application stating that the petitioner did not explain on what ground he wants to adduce further evidence, who are the witnesses and why he did not examine them earlier after examining himself as P.W.1.

6. By order dt.07-06-2018, the Court below rejected the said application stating that the docket indicated that ample opportunity was given to the petitioner to adduce evidence on his behalf and when the matter is at the stage of arguments, if petitioner's application is allowed, it would cause delay in the proceedings. It also stated that the petitioner did not assign any reasonable cause for adducing further evidence at this stage and only intention appears to be to protract the proceedings.

7. Assailing the same, this Revision Petition is filed.

8. Though learned counsel for the petitioner sought to contend that the suit being one of specific performance, he ought to be given opportunity to lead further evidence, the fact remains that the suit is of the year 2007 and his evidence is closed in 2012. The defendant's evidence was also closed in June 2018 and when the matter is coming up for arguments, at that stage, this application is filed without adducing any reason why the petitioner could not lead other evidence on his behalf when he had the opportunity to do so.

9. I therefore do not see any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

10. Accordingly, the Civil Revision Petition is dismissed at the admission stage. No costs.

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

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 02-07-2018  
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