

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.4158 OF 2018

ORDER:

The civil revision petition is filed under Article 227 of the Constitution of India questioning the order dated 20.06.2018, passed by the X Additional District & Sessions Judge, Visakhapatnam at Ankapalle in I.A.No.544 of 2018 in M.V.O.P.No.279 of 2016, wherein the application filed by the petitioners under Section 151 C.P.C seeking to reopen the evidence of the petitioners' side for the purpose of adducing further evidence to prove the salary certificate of deceased and income tax returns, was dismissed.

A perusal of the averments made in the affidavit filed in support of the affidavit filed along with the impugned application, would show that after examination of P.Ws.1 and 2 on 10.5.2018, the matter was adjourned to 15.5.2018 for the purpose of adducing further evidence; that thereafter the petitioner submitted the hand over summons petition before the Court below by giving notice to the opposite party through the counsel and the Court below received the hand over summons petition through one Sri B. Rama Gopala Raju, Advocate, Narsipatnam and returned the same to the said Advocate on some objections and the said Advocate represented the matter without any endorsement on the petition stating that the attested Advocate's name on the affidavit is unable to read immediately and requested the Court below to grant adjournment. It is further stated that if the matter is not reopened for adducing further evidence of the petitioner, irreparable loss would be caused to the petitioners.

In fact, no counter was filed before the Court below opposing the averments made in the affidavit filed along with the impugned application.

Having regard to the above circumstances and since the case on hand relates to a claim for compensation made by the petitioners, who are the legal heirs of the deceased Yerra Rao, who died in a road accident, it is just and proper to direct the Court below to give an opportunity to the petitioners to adduce the further evidence in support of their claim.

Accordingly, the civil revision petition is allowed setting aside the order dated 20.06.2018, passed by the X Additional District & Sessions Judge, Visakhapatnam at Ankapalle in I.A.No.544 of 2018 in M.V.O.P.No.279 of 2016. However, the Court below is directed to reopen the M.V.O.P.No.279 of 2016, for the purpose of adducing further evidence by the petitioner. No order as to costs.

Consequently, the Miscellaneous Applications, if any shall stand closed.

Date:15.12.2018.
Gk

C. PRAVEEN KUMAR,J



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