

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.6442 of 2012

ORDER:

This petition, under Article 227 of the Constitution of India, is filed questioning the order dated 26.11.2012 in I.A.No.908 of 2012 in O.S.No.143 of 2006 passed by the Principal Junior Civil Judge, Yellamanchili, dismissing an application declining to grant permission to adduce further evidence.

Petitioner filed a petition, under Section 151 CPC, to reopen evidence closed on 16.10.2012 in the suit and permit him to adduce further evidence on his behalf on the ground that he intends to examine two more witnesses, who belong to the same village, as village elders. The Trial Court passed the impugned order, running into 10 lines approximately, holding that there are no *bona fides* in the petition as the petitioner availed sufficient time to adduce evidence. The said order is now challenged on the ground that it is cryptic, unreasoned and is unsustainable in law and requested to set aside the order by permitting the petitioner to adduce further evidence.

This Court, by order in CRP.No.5814 of 2011 dated 19.01.2018, dismissed the revision while permitting the petitioner to pay stamp duty and penalty levied by the appropriate authority; and, in case, the petitioner pays the stamp duty and penalty, he can be permitted to adduce further evidence in support of his contention of subsisting

lease between the parties to the suit. In such case, the impugned order passed by the Trial Court would come in the way to adduce further evidence. Therefore, the order dated 26.11.2012 in I.A.No.908 of 2012 in O.S.No.143 of 2006 passed by the Principal Junior Civil Judge, Yellamanchili, is set aside while remanding the matter to the Trial Court to decide afresh in the event of payment of penalty and stamp duty, otherwise, the order will remain undisturbed.

With the above direction, the Civil Revision Petition is disposed of. Miscellaneous petitions pending, if any, shall stand dismissed.

M.SATYANARAYANA MURTHY,J

Date:19.01.2018
usd

