

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.R.P.No.4744 of 2018

Date : 24-08-2018

Between :

Sri Dwaram Sri Jagannadha Venkata Reddy Naidu
@ Bobji and others .. Petitioners

And

Dwaram Sri Jagannadha Chinna Venkata Reddy
and others .. Respondents

Counsel for petitioners : Sri Ravi Cheemalapati
Counsel for respondents : --



The Court made the following :

ORDER:

This Civil Revision Petition arises out of order dated 25-7-2018 in I.A.No.613/2018 in O.S.Nos.169/2010 and 382/2010 whereby the learned VI Additional District Judge, Visakhapatnam has declined permission to the petitioners/defendant Nos.1 to 5 and 7 in O.S.No.169/2010 to examine defendant No.5 as a witness i.e., DW-5.

I have heard Sri Ravi Cheemalapati, learned Counsel for the petitioners and perused the record.

The main reason for the lower Court to refuse permission to examine defendant No.5 as DW-5 was that neither in the written statement nor in the additional written statement filed by petitioner No.1/defendant No.1 on 19-1-2017, as adopted by defendant Nos.2 to 5 and 7, was there any reference to the execution of the Will dated 18-6-1971 by the defendants' father. The Court below has therefore opined that the present attempt to get defendant No.5 examined as DW-5 is to fill the gaps by imputing knowledge about the execution of the gift deed to defendant No.5 during the life time of her father. After carefully considering the said reason assigned by the lower Court, I am of the opinion that the order under revision does not call for any interference.

Hence, the Civil Revision Petition is dismissed.

As a sequel to the dismissal of the Civil Revision Petition,
I.A.No.1 of 2018 filed for interim relief is dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 24-08-2018

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