

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION Nos.5391, 5395 and 5429 of 2018

COMMON ORDER:

As these civil revision petitions are arising out of the same suit i.e., O.S.No.183 of 2008 on the file of Principal Junior Civil Judge, Kurnool, they are analogously heard and taken up for disposal by this common order.

CRP No.5391 of 2018 is filed against the order dated 05.07.2018 passed in I.A.No.539 of 2018 filed under Section 151 of the Code of Civil Procedure (CPC), for re-opening the further evidence of plaintiff.

CRP No.5395 of 2018 is filed against the order dated 05.07.2018 passed in I.A.No.540 of 2018 filed under Order XVIII Rule 17 and Section 151 of CPC, for recalling the petitioner for marking the documents.

CRP No.5429 of 2018 is filed against the order dated 05.07.2018 passed in I.A.No.579 of 2018 filed under Order VII Rule 14(2) of CPC, for receiving the schedule documents and mark them as exhibits, pending disposal of the suit.

Heard the learned counsel for the petitioner.

Admittedly, DWs.1 to 3 were examined on behalf of the defendants and the suit is coming up for recording further evidence of the defendants. At that stage, the petitioner filed the aforesaid Interlocutory Applications.

This Court has held in the judgment in D. Nagalakshmi v. D. Rosamma and another¹ that after closure of evidence of the plaintiff and at the stage of recording of evidence of defendants, there is no scope for the Court to reopen the case for adducing evidence on behalf of the plaintiff. The said view was taken after considering the provisions of the Indian Evidence Act, and further the language of Order XVIII Rule 17 CPC, wherein the recalling of witness was made conditional upon the same being subject to the Law of Evidence for time being in force.

In those circumstances, in the present case, filing of the above interlocutory applications is misconceived and there is no error committed by the trial Court in dismissing the interlocutory applications. Therefore, the civil revisions are liable to be dismissed as having no merit.

Accordingly, the Civil Revision Petitions are dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

09th November, 2018

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CHALLA KODANDA RAM, J

¹ CRP No.4672 of 2018

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