

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.No.6009 of 2018

Date: 12.10.2018

Between:

Guntupalli Ramanamma
W/o.Late G.Suryanarayana,
Hindu, aged about 58 years,
residing at D.No.45-2-60/58/7,
Ramachandra Nagar,
Akkayyapalem,
Visakhapatnam-51.

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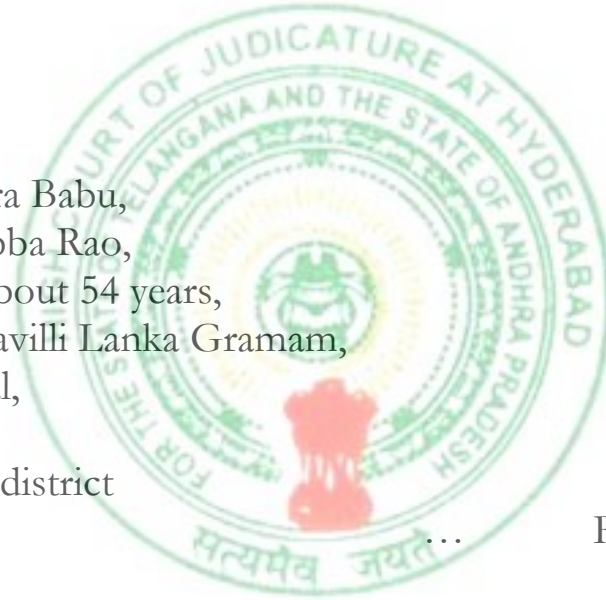
Petitioner

And

Yerubandi Dora Babu,
S/o.Late Y.Subba Rao,
Hindu, Aged about 54 years,
residing at Ainavilli Lanka Gramam,
Ainivilli mandal,
Amalapuram,
East Godavari district
and another

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Respondents



Counsel for the Petitioner : Mr. Muddu Vijai

Counsel for the Respondents : -----

The Court made the following:

Order:

This civil revision petition is filed against common order dated 14.09.2018, to the extent it pertains to in I.A.No.423 of 2018 in O.S.No.1714 of 2011 on the file of the VII Additional Senior Civil Judge, Visakhapatnam, whereby he has recalled PW-2 for further cross examination, while allowing I.A.No.422 of 2018, filed for re-opening the evidence.

2. The only submission made by Mr.Muddu Vijay, learned counsel for the petitioner/plaintiff, is that in the guise of recalling PW-2, respondents are seeking to fill the lacunae in their evidence. I am afraid, I cannot accept this submission for, the respondents have not sought for either examining themselves or any one on their behalf as witnesses, so as to fill the lacunae in their evidence. On the contrary, it is their pleaded case that during his cross examination, PW-2 did not have previous statement made by him in an earlier judicial proceedings and that, therefore, they wanted to confront PW-2 with this statement. The court below accepted the plea of the respondents and allowed the application. In my opinion, the discretion exercised by the lower court, cannot be said to be irrational or unreasonable, warranting interference of this court in its supervisory jurisdiction under Article 227 of the Constitution of India.

3. For the aforementioned reasons, the civil revision petition is dismissed.

4. As a sequel to the dismissal of the civil revision petition, I.A.No.1 of 2018 is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Date: 12th October, 2018

msb



