

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.6828 OF 2018

ORDER:

The plaintiff in O.S.No.1450 of 2007 in the Court of the V-Additional Junior Civil Judge, Warangal is the revision petitioner.

The revision petitioner filed I.A.No.1120 of 2018 to reopen the suit and permit the plaintiff to submit chief-affidavit of P.W.3. The reasons stated in the affidavit accompanying I.A.No.1120 of 2018 are that the evidence of defendants is completed and the suit stands posted to 08.10.2018 for arguments. The plaintiff could not examine the vendor under Ex.A-1, as the vendor was suffering from age related ailments. The vendor has recovered from ill-health and is in a position to depose on behalf of plaintiff. Hence, the petition.

The trial Court for right reasons dismissed I.A.No.1120 of 2018. It is to be noted that the suit was posted for arguments and heard-in-part. The evidence on behalf of the plaintiff was completed long ago. The suit is of the year 2007. It is unintelligible that the vendor under Ex.A-1 is unwell for several years. The application firstly is not filed at right time and secondly even to exercise the discretion in a liberal way. To further the ends of justice, the affidavit does not inspire confidence. This Court is in full agreement with the view taken by the trial Court.

The revision fails and is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending,
stand closed.

S.V.BHATT, J

23rd November, 2018

Lrkm

