

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION Nos.6210 and 6370 of 2017

ORDER:

These two Civil Revision Petitions, under Article 227 of the Constitution of India, are filed aggrieved by orders dated 05.10.2017, in I.A.Nos.528 and 529 of 2017 in O.S.No.236 of 2011 passed by the Senior Civil Judge, Adoni, Kurnool District.

2. Respondents 1 to 4 herein filed I.A.No.528 of 2017 under Section 151 C.P.C. to reopen defendants' evidence on behalf of the petitioner and I.A.No.529 of 2017 was filed under Order VIII Rule 1-A (3) and Section 151 C.P.C to receive the documents. The said applications were allowed by the Court below. Challenging the same, the present revision petitions are filed by the petitioner/plaintiff No.2.

3. The specific ground urged by the respondents herein for re-opening case is that the counsel appearing for them before the trial Court expired before cross-examination of witnesses, but Court below closed the evidence treating the cross-examination as NIL. In view of contingency that is expiry of counsel, the respondents could not cross-examine the witnesses and requested the Court to reopen the evidence and recall the witnesses for cross-examination under Order VIII Rule 17 CPC.

4. The same is opposed by raising several grounds before the Court below. But, for one reason or other, the trial Court passed the creptic order in one sentence, consisting of two lines without

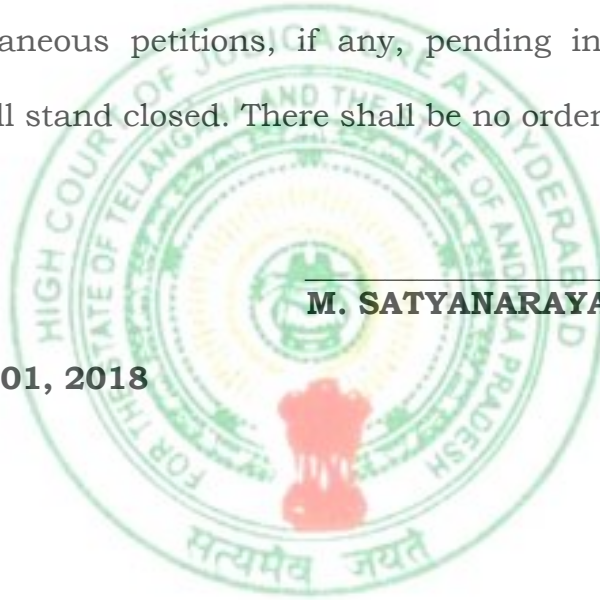
assigning any reason. Therefore, the crept order cannot be sustained and thereby, the same is hereby set aside.

5. Accordingly, the Civil Revision Petitions are allowed setting aside the orders, dated 05.09.2017 in I.A.Nos.528 and 528 of 2011 in O.S.No.236 of 2011 and it is remanded to the trial Court to dispose of the petitions afresh, after giving due opportunity to both parties, by assigning reasons, in accordance with law within a period of two months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in these revision petitions shall stand closed. There shall be no order as to costs.

M. SATYANARAYANA MURTHY,J

NOVEMBER 01, 2018
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Date:01.11.2018

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