

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.6524 of 2017

ORDER:

The plaintiff in O.S.No.450 of 2009 is the revision petitioner.

The petitioner complains order dated 09.10.2017 in I.A.No.750 of 2017 rejecting his prayer to re-open the suit for adducing the evidence subscribed.

The application filed by the petitioner was opposed by the respondents herein. As already noted, the learned trial judge declined to reopen the suit. Hence, the Civil Revision Petition.

The learned judge, no doubt, while rejecting the prayer of petitioner has taken overall view of the matter and also the casualness with which the petitioner is conducting trial of the suit.

Mr.Ashok, counsel appearing for petitioner, does not join the issue on the dates referred by the trial court. But his submission is either for referring to docket dates in O.S.No.450 of 2009 or for finding that the petitioner lacks interest in conducting the trial, the guidelines given in the circular issued by this Court, otherwise in cases where the

defendant is yet to enter the box, time is granted by the trial court by affording fair and complete opportunity.

Mr.Haripreeth, counsel for the respondents places strong reliance on the time taken by the petitioner herein to bring or recognize the existing parties as legal representatives of deceased-1st defendant, and also that on 25.04.2017, without loss of time, the respondents herein filed chief affidavit and if at that stage of the matter, opportunity is given to the petitioner, the respondents would be subjected to hardship. He submits that in old suits, the prayer if this Court is inclined to grant, ought not to be for the sake of asking, suitable conditions are imposed.

At the outset, it is to be noted that this Court with a view to give opportunity to petitioner, having regard to nature of reliefs prayed in O.S.No.450 of 2009, the order impugned in the Revision is set aside, subject to following conditions:

- (a) The petitioner deposits a sum of Rs.3,000/- before the Karimnagar, Advocates Bar Association, files receipt along with a memo before the trial Court within one week from today.

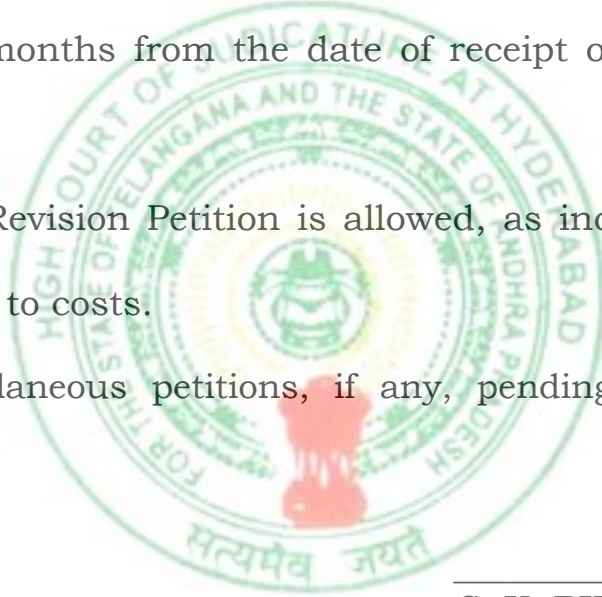
(b) The suit is reopened and the trial court considers prescribing a date between 12.02.2018 and 16.02.2018 on the day fixed by the trial court, chief as well as cross examination of proposed witnesses is completed. The petitioner, if, by taking advantage of this order, further tries to procrastinate the litigation, the trial Court is at liberty to place the reasons on record and proceed expeditiously.

(c) The suit is also directed to be disposed of in two (02) months from the date of receipt of copy of this order.

Civil Revision Petition is allowed, as indicated above.

No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.



S. V. BHATT, J

Dt: 05.02.2018

Note:

CC forthwith

(B/o) dv

