

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

**CIVIL REVISION PETITION Nos.7367, 7153, 7139, 7529 OF 2017,
210 OF 2018 AND 7403 OF 2017**

COMMON ORDER:

A set of Civil Revision Petition Nos.7367 and 7153 of 2017 arises out of a common order, dated 27.10.2017, rendered in I.A. Nos.568 and 569 of 2017, respectively, in O.S. No.785 of 2012, by the learned V Senior Civil Judge, City Civil Court, Hyderabad, which were filed by the petitioners - defendants under Section 151 of the Code of Civil Procedure, 1908 (for short 'Code') to reopen the evidence of plaintiffs in the suit and under Order XVIII Rule 17 read with Section 151 of the Code to recall PW.1 for the purpose of further cross-examination, respectively.

2. Like-wise, the Civil Revision Petition Nos.7139 and 7529 of 2017 arise out of a common order, dated 27.10.2017, rendered in I.A. Nos.570 and 571 of 2017, respectively, in another O.S. No.786 of 2012, by the learned V Senior Civil Judge, City Civil Court, Hyderabad, which were filed by the petitioners - defendants under Order XVIII Rule 17 read with Section 151 of the Code to recall PW.1 for the purpose of further cross-examination and under Section 151 of the Code, to reopen the evidence of plaintiffs in the suit, respectively.

3. Like-wise, the Civil Revision Petition Nos.210 of 2018 and 7403 of 2017 arise out of a common order, dated 27.10.2017, rendered in I.A. Nos.572 and 573 of 2017, respectively, in one more O.S. No.787 of 2012, by the learned V Senior Civil Judge, City Civil Court, Hyderabad, which were filed by the petitioners - defendants under Order XVIII Rule 17 read with Section 151 of the Code to recall PW.1 for the purpose of further cross-examination and under Section 151 of the Code, to reopen the evidence of plaintiffs in the suit, respectively.

4. Heard Sri Rupendra Mahendra, learned counsel for the revision petitioners in all these revisions, and Sri D. Vijaya Kumar, learned counsel for the respondents.

5. The Court below having heard both sides formulated the point for determination. The Court below also referred to the rulings relied on by the learned counsel for the respondents - plaintiffs before it resisting the request of the petitioners in **Nagumothu Shriharinath v. Nagumothu Vani¹**, **Allumalla Kannam Naidu v. Smt. Allumalla Simhachalam²**, and **Botsa Appala Narasayya v. Smt. Raghunanda Lakshmi and others³**, and applying the principle laid down therein, held that since the petitioners could not come out with convincing reasons and a bald statement being made that a vital issue was not

¹. 1997 (5) ALD 237

². AIR 2003 A.P. 239

³. AIR 2004 A.P.82

confronted to PW.1 on account of mixing up the file with other office files and some files were being sent to Delhi, and the deponent could only learnt when the defendants' side evidence is sought to be commenced that crucial questions were not confronted to PW.1, rejected the request dismissing the applications.

6. Though, the learned counsel would submit that a chance can be afforded to the petitioners herein to reopen the plaintiffs' side evidence by recalling PW.1 to put certain vital questions which were not properly briefed to the learned counsel on record at the time when PW.1 was originally cross-examined, but, when the rulings relied on by the learned counsel referred to above and the principles laid down therein are applied in rejecting the request are seen, the situation occurring in the present revisions are just identical with the situation occurring in these cases. The affidavits are bereft of all relevant particulars and a bald statement is made that since files were sent to Delhi and after hectic efforts only they could trace out and then could realize that PW.1 was not cross-examined on some vital aspects would not, certainly, account for convincing reason. Besides the same, when the written statement is already filed, certainly, the relevant pleas would have been put forth by the respondents - plaintiffs and, therefore, the very ground now agitated for recalling PW.1 by reopening the suits would completely get belied by the fact of filing written statement with all relevant pleas. Therefore, there is

no merit in the present revisions and there is no material irregularity or illegality warranting interference with the orders passed by the Court below.

7. Accordingly, all the Civil Revision Petitions are dismissed.

No order as to costs.

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

April 16, 2018.
Mgr

A. SHANKAR NARAYANA, J

