

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

C.R.P. No.7466 of 2017

ORDER:

This Civil Revision Petition is filed by the petitioner/defendant aggrieved by the order dated 05.12.2017 in I.A.No.628 of 2017 in O.S.No.95 of 2017 passed by the Junior Civil Judge, Alampur, dismissing the petition filed by the defendant seeking to recall DW.1 for cross-examination as his evidence was eschewed on 07.03.2017.

2) Heard Sri J.Janaki Rami Reddy, learned counsel for petitioner and Sri Aedula Govinda Reddy, learned counsel for respondent.

3) As can be seen from the impugned order, the Trial Court cannot be found fault with for dismissing the petition since it is manifest that the petitioner/defendant did not show his indulgence for smooth completion of trial and therefore, his evidence was eschewed on 07.03.2017. However, considering the fact that valuable rights of the parties are at stake in the suit, which I am told is a suit for injunction, this Court is of the considered view that a final opportunity can be given to the petitioner/defendant on heavy terms.

4) In the result, this C.R.P is allowed by setting aside the order in I.A.No.628 of 2017 in O.S.No.95 of 2007 on the file of Junior Civil Judge, Alampur, on the condition of the petitioner depositing costs of Rs.1,000/- (Rupees one thousand only) with the Mandal Legal Services Authority, Alampur within two (2) weeks from the date of this order. On

such compliance, the Trial Court shall recall DW.1 and fix a date for cross-examination. If the petitioner/defendant failed to attend the Court for cross-examination on the given date, his evidence shall be eschewed.

No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 25.01.2018

scs

