

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.280 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed against the order dated 02.01.2019 passed by the Senior Civil Judge, Huzurnagar, in I.A.No.485 of 2018 in E.O.P.No.09 of 2014.

The respondent herein filed the Election O.P. to declare the election of the petitioner herein as MPTC, Munagala-II, as illegal and void and to declare the respondent herein as duly elected candidate for the post of MPTC, Munagala-II. Pending the said Election O.P., the respondent herein filed the present Interlocutory Application under Order XVI Rule 6 r/w Section 151 C.P.C to issue witness summons to Doctor Andhra Jyothi of Ravichandra Nursing Home, Khammam, to produce Birth Registers pertaining to the years 1993, 1995 and 1999 and to give evidence. The Court below, after hearing both sides and considering the material on record, by the impugned order allowed the Interlocutory Application. Hence, this revision.

Learned counsel for the petitioner submits that the respondent herein filed the present Interlocutory Application after closure of the evidence of the election petitioner; that the documents sought to be marked are not at all relevant as they are issued by different hospitals; and that without filing an application for reopening, the present application was filed.

In this case it is to be seen that at the instance of the petitioner herein only, the matter was reopened and P.W.2 was recalled for further cross examination. Once the matter is re-opened for adducing the

evidence, it is not necessary to file another application to reopen the matter. The Court below held that as respondents 2 to 5 are official witnesses, they are formal parties to the subject application and therefore, their non-impleadment cannot be a ground for dismissal of the application. The main ground that was taken in the application is that the petitioner herein is having three children, whereas the case of the petitioner herein is that she gave birth to twins. The Court below has taken into consideration all the facts and held that it is just and necessary to examine the proposed witness, who is a crucial witness, to bring all real facts on record and for just disposal of the Election O.P., and accordingly allowed the application.

In view of the above, I do not see any infirmity in the impugned order passed the Court below. The revision is devoid of any merits and the same is accordingly dismissed. No costs. As a sequel thereto, miscellaneous petitions, if any pending, shall also stand dismissed.

A. RAJASHEKER REDDY, J

Date: 14.02.2019
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