

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1164 of 2019

ORDER :

This Revision is filed challenging the order dt.18-04-2019 in I.A.No.530 of 2019 in O.S.No.2075 of 2012 by the Principal Senior Civil Judge, Ranga Reddy District at L.B. Nagar refusing to reopen the evidence of D.W.1 and permit cross-examination of D.W.1 by setting aside the order dt.04-01-2019 eschewing the chief-examination affidavit of D.W.1.

2. Petitioners are defendant Nos.2 and 4 in the suit.
3. The chief-examination affidavit of D.W.1/1st defendant was filed prior to 04-01-2019 and because D.W.1 was not present, it was eschewed.
4. After waiting three months, on 15-04-2019, I.A.No.530 of 2019 was filed to set aside the order dt.04-01-2019 and reopen the evidence of D.W.1 contending that grand mother of 1st petitioner was unwell in Uttarakhand State and the 1st petitioner could not attend the Court on that ground.
5. The Court below rejected the said application stating that the suit is of the year 2012 and an identified suit, and there is no evidence to prove the illness of the grand mother of 1st petitioner.
6. Challenging the same, this Revision is filed.

7. It is important to note that there is a delay of 3 months in moving I.A.No.530 of 2019. Assuming that the 1st petitioner/D.W.1 had a valid cause for not being present on 04-01-2019, the other defendants could have given evidence. They cannot sleep over for 3 months and when the suit is posted for arguments, move this application seeking an opportunity to complete the evidence of D.W.1.

8. Petitioners have been negligent and casual in their approach.

9. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court in exercise of its power under Article 227 of the Constitution of India.

10. Accordingly, the Civil Revision Petition is dismissed. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-04-2019

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