

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.5378 OF 2017

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners aggrieved by the order dated 19.07.2017 passed in I.A.No.24 of 2017 in O.S.No.413 of 2007 by the learned Principal District Judge, Ranga Reddy District at L.B. Nagar, whereby the application filed by the revision petitioners/defendant Nos.11 to 13 to aside the order of eschewing of chief examination affidavit of D.W.4 dated 20.12.2016, was dismissed.

2. Heard learned counsel for the revision petitioners, learned counsel for the respondents and perused the record.

3. In the course of submissions, it is brought to the notice of this Court that D.W.4 was examined on behalf of defendant Nos.11 to 13 and the evidence of defendant Nos.11 to 13 was closed long back. Along with the subject application, another application was also filed to reopen the evidence of defendant Nos.11 to 13. The said application was dismissed. No CRP is filed challenging the said order. So, the order of closing of evidence of defendant Nos.11 to 13 had attained finality. Even if this application is considered as allowed, it is of no use to defendant Nos.11 to 13. Furthermore, the learned Judge, while dealing with the subject Interlocutory Application, had elaborately dealt with the circumstances that lead to eschew the evidence of D.W.4 *vide* impugned order dated 20.12.2016. Sufficient opportunity was given to D.W.4 to come forward for cross-examination. However, he has not availed the same. There is no perversity in the impugned

order. This revision petition is devoid of merit and is liable to be dismissed.

4. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 09.12.2019
ssp

