

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2444 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioner/plaintiff aggrieved by the order, dated 28.08.2019, passed in I.A.No.600 of 2019 in O.S.No.16 of 2013 by the II Additional District Judge, Nalgonda at Suryapet, wherein the Court below has dismissed the subject Interlocutory Application filed by the revision petitioner/plaintiff seeking to reopen the evidence of plaintiff to lead further evidence, by recalling the order, dated 03.07.2019.

2. Heard the learned counsel for both sides and perused the record.

3. Learned counsel for the revision petitioner/plaintiff would submit that some more witnesses are required to be examined for adjudication of the subject matter of the Suit. The Court below ought to have given an opportunity to the revision petitioner/plaintiff to adduce further evidence and ultimately, prayed to set aside the impugned order and allow the subject Interlocutory Application, as prayed for.

4. On the other hand, learned counsel for the respondent/defendant supported the impugned order and ultimately, prayed to dismiss the revision petition.

5. The material placed on record reveals that the subject Suit is filed for specific performance of contract. In the course of

submissions, it is brought to the notice of this Court that the subject Suit is coming up for cross-examination of DW.1. Admittedly, in spite of imposing costs of Rs.100/- and providing opportunities, the revision petitioner/plaintiff did not adduce further evidence. Any how, for complete and just adjudication of the subject Suit, in the given circumstances, an opportunity is required to be given to the revision petitioner/plaintiff to adduce further evidence.

6. Therefore, the impugned order, dated 28.08.2019, passed in I.A.No.600 of 2019 in O.S.No.16 of 2013 by the II Additional District Judge, Nalgonda at Suryapet, is set aside. Consequently, the order, dated 03.07.2019, passed in the subject Suit, closing the evidence on the side of revision petitioner/plaintiff is set aside and the revision petitioner/plaintiff is permitted to adduce further evidence, subject to payment of costs of Rs.1,000/- (Rupees one thousand only) to the respondent/defendant within a period of fifteen (15) days from today.

7. The Civil Revision Petition is, accordingly, ordered.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

January 21, 2020.
MD