

THE HON'BLE SMT JUSTICE P. SREE SUDHA

CIVIL REVISION PETITION No.2199 of 2013

ORDER:

Heard learned counsel for the petitioner and Sri K.V. Durga Divakar, learned counsel for the respondent.

2. This civil revision petition is filed against the docket order dated 22.03.2013 passed in I.A.No.56 of 2013 in O.S.No.14 of 2010 on the file of the Junior Civil Judge at Vemulawada.

3. Petitioner is the plaintiff and respondent is the defendant before the trial Court. Petitioner filed I.A.No.56 of 2013 seeking to reopen his evidence and permit him to cross examine the defendant. The said application was allowed by docket order dated 12.03.2013. The trial Court held that the matter was coming up for defendant's evidence; the reason assigned by the petitioner appeared to be considerable and he was ready to produce his witness at a time. The trial Court allowed the petition on payment of costs of Rs.300/- by the next date of hearing and also directing the petitioner to produce all the witnesses at a time, failing which the petition was deemed to be dismissed. However, on the next date of hearing i.e., on 22.03.2013, since petitioner failed to comply with the condition, the petition was dismissed.

4. Learned counsel for the petitioner contended that he could not produce the witnesses on that day due to ill health and he filed suit for recovery of money of Rs.84,500/-. He submits that the chief evidence of the plaintiff was closed and the suit is coming up for chief examination of the defendant and marking of the documents.

He further submits that if revision is not allowed, grave injustice is caused to him and therefore prayed to set aside the order.

5. Considering that the petitioner is plaintiff in the suit filed for recovery of money, I deem it appropriate to allow the civil revision petition.

6. The civil revision petition is accordingly allowed with costs of Rs.1,000/- to be paid by the petitioner to the High Court Legal Services Committee within a period of one week from the date of this order. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.

Date:17.12.2021

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P. SREE SUDHA, J

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