

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

CIVIL REVISION PETITION NO: 1814 OF 2023

Petition under Article 227 of Constitution of India aggrieved by the order dated 30.06.2023 in I.A.No.04 of 2023 in D.O.P.No.707 of 2017 on the file of the Court of the III Additional District Judge, Bhimavaram, West Godavari District.

Between:

Smt. Kolla Divya @ Shekena Kumari, W/o Venkata Bapana Naidu @ Dorababu, D/o Kollepara Krishna Murthy, Christian Female, Age about 32 years, residing at D.No.2-38, Chintaladoddi, R.H Road, Bhimavaram, West Godavari District.

...Petitioner/s

AND

Kola Venkata Bapanna Naidu @ Dora Babu, S/o Satyanarayana Murthy, Christian, Male aged about 37 years, Residing at Door No.7-145, Southern Street, Near Hanuman Temple, Veeravasaram Village and Mandal, West Godavari District.

...Respondent/s

IA NO: 1 OF 2023

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to grant stay of all further proceedings in D.O.P No.707 of 2017 on the file of III Additional District Judge, West Godavari at Bhimavaram.

Counsel for the Petitioner: SRI DASARI S V V S V PRASAD

Counsel for the Respondent: NONE APPEARED

The Court made the following Order:



HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CIVIL REVISION PETITION NO.1814 of 2023

ORDER:

The respondent herein and the petitioner are husband and wife. The respondent had moved D.O.P.No.707 of 2017 before the III Additional District Judge, Bhimavaram, for dissolution of the marriage. The respondent was examined as P.W.1. After completion of cross-examination of the respondent, the petitioner had moved an application for recall of the respondent. The same was allowed and the respondent was cross-examined for a second time on 24.11.2022. Subsequently, the petitioner again moved an application for recall of P.W.1 on the ground that the petitioner had been advised to file the application for recall as she had strong evidence to succeed and some important aspects which were not covered earlier need to be elicited from the respondent. Other than this statement, no further explanation was given by the petitioner to show why the respondent needs to be recalled a second time.

2. The trial court rejected the said application bearing I.A.No.4 of 2023, on the above grounds.

3. Aggrieved by the said order, the petitioner has approached this Court.

4. Sri Dasari S.V.V.S.V. Prasad, learned counsel appearing for the petitioner would submit that the petitioner had adequate material to demonstrate that the respondent has 'no case against the petitioner and it is in fact the petitioner who has a valid case against the respondent. He would submit that the details were not submitted in the application as the petitioner did not want to forewarn the respondent about the line of cross examination.

5. This Court is unable to accept his contention, as valid and cogent reasons would have to be given, when any witness is sought to be recalled after his or her cross examination had been completed. In the present case, no valid or cogent reason has been given and this Court does not find any fault in the order of the Trial Court in dismissing such an application.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

7. However the order of the Trial Court to the extent of levying costs of Rs.500/- on the petitioner is modified and petitioner will not be required to pay the aforesaid amounts to the respondent.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

SD/- U SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To,

1. The III Additional District Judge, Bhimavaram, West Godavari District.
2. One CC to Sri Dasari S V V S V Prasad, Advocate [OPUC]
3. Three CD Copies

sree

Bhargava

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HIGH COURT

DATED:31/07/2023

ORDER

CRP.No.1814 of 2023



**DISMISSING THE C.R.P.
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7/11/23