

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.1725 OF 2013

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.13.03.2013 in I.A.No.20 of 2013 in O.S.No.655 of 2009 of the VI Junior Civil Judge, City Civil Court, Hyderabad.

2. Petitioners herein are defendants 3 and 4 in the suit. They filed the above I.A. to reopen the evidence of PW1 and recall him for the purpose of further cross-examination, to confront a Building Penalization Scheme application in respect of the subject property. They allege that PW1 had stated in his cross-examination that the said application has been rejected.

3. The said IA was dismissed by the Court below stating that if the petitioners want to rely on the said document, they should recall DW1, a witness of GHMC, and recalling PW1 cannot be permitted. It also held that no reasons have been assigned by the petitioners as to why PW1 should be recalled and that the question of PW1 clarifying with regard to the fate of the Building Penalization Scheme application, would not arise.

4. Challenging the same, this Revision is filed.

5. Heard Sri Veeramalla Jithender Rao, Counsel for the petitioner and Sri Ch.Shashibushan, counsel for the 1st respondent.

6. Counsel for the petitioners contends that PW1 in his evidence had stated that the Building Penalization Scheme application has been rejected by the GHMC and therefore it was necessary to recall PW1 for the purpose of cross-examining him since there is no such rejection and the said application is still pending and the GHMC had

collected total amount under Building Penalization Scheme.

7. As rightly held by the Court below, whether the Building Penalization Scheme application is pending or rejected, is a matter to be elicited from the witness for GHMC i.e., DW1 and summoning PW1 for that purpose would not help the petitioners because PW1 might not know about the fate of the said application. Therefore, I do not find any merits in this Revision.

8. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

9. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

01st July, 2015.

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