

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.2680 of 2015

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ORDER:

The petitioners are plaintiffs in O.S. No.796/2007 on the file of the Court of the learned II Additional Junior Civil Judge, Chittoor. The suit was filed for permanent injunction in respect of Ac.4.00 cents of land in Survey Nos.26/2A and 26/2B containing mango and coconut trees. The evidence on behalf of plaintiffs was completed. During the course of cross-examination of DW1, when the plaintiffs was putting questions to the witness relating to certain documents, when the Court asked the learned counsel appearing for the plaintiffs to confront the witness with the documents, he declined. In those circumstances, the cross-examination of DW1 was closed. He also filed a memo seeking time to challenge closing of further cross-examination of DW1. The case was adjourned to 15.06.2015. Challenging the said order, the present Civil Revision Petition was filed.

When the learned counsel for plaintiffs is putting questions based on the documents, which were already filed in the Court, the trial Court has rightly asked the counsel to show the documents to DW1 while cross-examining him. The learned counsel for plaintiffs ought not to have refused such a course of action. The learned counsel for plaintiffs shall follow the course of action directed by the trial Court, if the plaintiffs want to cross-examine DW1.

In the above circumstances, the impugned order to the extent of closure of cross-examination of DW1 is set aside, and liberty is given to the plaintiffs to file a memo in the lower Court to accept the course of action directed by the trial Court. In case the plaintiffs are unable to confront the witness with the documents, the trial Court shall treat the cross-examination as closed and proceed with further examination of witnesses, if any.

With the above clarification, this Civil Revision Petition is disposed of. There

shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

25.11.2015

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