

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

CIVIL REVISION PETITION No.1836 of 2015

ORDER:

This Civil Revision Petition under Article 227 of the Constitution arises out of the order dated 13.04.2015 passed by the learned I Additional Junior Civil Judge, Bhimavaram, West Godavari District, in I.A.No.83 of 2015 in O.S.No.91 of 2011. The said I.A. was filed by the petitioner herein, being the plaintiff in the suit, under Order XVIII Rule 17 C.P.C. seeking his re-examination/further examination as PW.1 for the purpose of clarifying the ambiguities in his cross-examination. By order dated 13.04.2015, the trial Court dismissed the I.A. Hence, this Civil Revision Petition.

The evidence of the petitioner/plaintiff as PW.1 was recorded by an Advocate-Commissioner. According to the petitioner/ plaintiff, the Advocate-Commissioner made certain mistakes while recording his deposition during the cross-examination. However, it is an admitted fact that after conclusion of the evidence, the petitioner/plaintiff was read over and explained his deposition and after verifying the same, he affixed his signature thereon. Admittedly his counsel was also present at that point of time. In that view of the matter, the petitioner/plaintiff could not be permitted to resile from the statements made by him during his cross-examination by claiming that there were ambiguities or that any mistake was committed by the Advocate-Commissioner. Taking these aspects into account, the trial Court rightly dismissed the I.A. This Court therefore finds no reason to interfere in the matter.

The Civil Revision Petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand

dismissed. No order as to costs.

SANJAY KUMAR, J

Date:23.09.2015

GJ