

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.4530 of 2015

ORDER:

Heard both sides.

This Civil Revision Petition is filed by the petitioner/defendant aggrieved by the order dated 24.7.2015 in I.A.No. 371 of 2015 in O.S.No. 522 of 2012 on the file of Additional Senior Civil Judge, Srikakulam, whereby and whereunder, the trial Court allowed the petition filed by the petitioner/plaintiff under Order 18 Rule 17 of CPC to recall PW-1 for re-examination. Petitioner/plaintiff filed the said petition to recall PW-1 for further examination to clarify the point as to where the suit pro-note was executed whether it was at Narasannapeta or at Tekkali in Srikakulam District. It appears as per the plaintiff, pro-note was executed at Narasannapeta. During the course of cross-examination, he told while he was working at Tekkali, the suit transaction took place at Tekkali. So, to clarify the ambiguity he filed the recall petition. The defendant contested the said petition. The trial Court allowed the petition considering that the plaintiff was 68 years old person and the suit pro-note (Ex.A-1) discloses that the pro-note was executed at Narasannapeta and PWs 2 and 3 also deposed that the suit pro-note was executed at Narasannapeta.

I see no irregularity or illegality in the impugned order passed by the trial Court, as it was passed taking totality of

circumstances into consideration.

Hence, I find no merit in the Civil Revision Petition.

Accordingly, the Civil Revision Petition is dismissed with the observation that pursuant to the impugned order passed by the trial Court if PW-1 is recalled for further examination in chief, an opportunity shall be afforded by the trial Court to the defendant to further cross-examine him on the limited aspect of the place of execution of the suit pro-note. There shall be no order as to costs.

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

U.DURGA PRASAD RAO, J

Date: 18.12.2015
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