

HON'BLE SRI JUSTICE R. KANTHA RAO
Civil Revision Petition No. 5759 of 2015

ORDER:

Heard Sri I. Koti Reddy, learned counsel appearing for the revision petitioner.

2. The revision petitioner is the defendant before the trial court. He filed the present revision petition challenging the orders dated 23.11.2015 passed by the learned V Additional District Judge, Rajahmundry, in IA No.1119 of 2015 in OS No.172 of 2012 in dismissing the petition filed to recall PW.1 for further cross-examination. It was submitted before the trial court that some important questions were not put to PW.1 in the cross-examination and the said questions were material to establish the contentions of the defendant and therefore, it became necessary to make an application to recall PW.1 for further cross-examination. The said petition was opposed by the plaintiff on the ground that it was filed only to protract the trial of the suit.

3. Obviously, the petition was filed after closure of the evidence on both sides and the matter was posted for arguments. Before the trial court, it was contended on behalf of the defendant that the suit promissory note was brought into existence at the instance of one Bojja Usha Rani, who was behind the litigation, and certain important questions were to be put to PW.1 in that connection. The learned trial court recorded a finding that at the instance of the defendant, the matter was adjourned on various occasions and after closure of the evidence, once the suit was also re-opened at the instance of the defendant. The trial court specifically held that PW.1 in the cross-examination categorically stated that he does not know Bojja Usha Rani. Thus, taking the view that the petition was filed only to protract

the trial of the suit, the learned court below dismissed the petition.

4. Having gone through the submissions made by the learned counsel appearing for the revision petitioner and also the order passed by the learned trial court, this court is of the view that the trial court has rightly exercised its judicial discretion and dismissed the petition filed by the defendant to recall PW.1 and I do not find any valid grounds to interfere with the order passed by the trial court. Consequently, the civil revision petition is dismissed. No order as to costs. Miscellaneous petitions, pending if any in this civil revision petition, shall stand closed.

R. KANTHA RAO, J

Date: 31.12.2015
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