

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.3180 OF 2015

ORDER:-

This Civil Revision Petition is filed under Article 227 of the Constitution of India aggrieved by the order, dated 25.07.2015, in I.A.No.483 of 2015 in O.P.No.526 of 2009 on the file of the Judge, Additional Family Court, Hyderabad, by which, the petition filed by the petitioner under Order XVIII Rule 17 C.P.C. read with 151 C.P.C. to recall R.W.1 for cross examination, was dismissed.

2. It is represented by learned counsel for the petitioner that though the petitioner has not filed applications in I.A.Nos.370 and 371 of 2015 for reopening and recalling of R.W.1, it is wrongly mentioned in the order impugned that the petitioner has filed those petitions.

3. Learned counsel for the respondent also fairly conceded the same and said that those petitions were filed by the respondent, but not by the petitioner.

4. Further, it is also brought to the notice of this Court that though the matter was posted for cross examination of R.W.1 on 24.06.2015, the same was not taken up for want of time and was adjourned to 29.06.2015. On 29.06.2015, a request was made for pass over and in spite of the same, without giving an opportunity, it was recorded as there is no cross examination of R.W.1. Learned counsel appearing for both the parties requested that as the O.P. is of the year 2009, by fixing a time frame for disposal of the O.P., the Civil Revision Petition may be disposed of.

5. As it is not in dispute that R.W.1 was not cross examined, this Court is of the view that it is a fit case to give an opportunity to the petitioner to recall R.W.1 for cross examination.

6. For the aforesaid reasons, the Civil Revision Petition is allowed setting aside the order, dated 25.07.2015, in I.A.No.483 of 2015 in O.P.No.526 of 2009 on the file of the Judge, Additional Family Court, Hyderabad. Whenever the matter is listed further by the Family Court, R.W.1 shall be present and the petitioner shall cross examine her on the same day without taking any further adjournment. As the O.P. is of the year 2009, the Family Court is directed to dispose of the same within a period of two (2) months from the date of receipt of a copy of this order. There shall be no order as to costs.

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

JUSTICE R.SUBHASH REDDY

Date: 18.9.2015
AMD

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Dated: 18.9.2015

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