

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION Nos.620 and 621 of 2014

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COMMON ORDER:

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These two Revisions arise out of the same suit between the same parties. Therefore, these Revisions are disposed of by this common order.

2. C.R.P.No.620 of 2014 is filed challenging the order dt.08-06-2013 in I.A.No.1125 of 2012 in O.S.No.516 of 2007 of the

I Additional Senior Civil Judge, Warangal.

3. C.R.P.No.621 of 2014 is filed challenging the order dt.08-06-2013 in I.A.No.34 of 2013 in O.S.No.516 of 2007 of the

I Additional Senior Civil Judge, Warangal.

4. The petitioner in both the Revisions is plaintiff in the said suit. After filing of the written statement, trial commenced. P.W.1 was examined. But the counsel for defendants did not cross-examine P.W.1.

5. Alleging that on account of ill-health of his counsel, he did not appear and cross-examine P.W.1, the defendant filed applications in I.A.Nos.1125 of 2012 and 34 of 2013 praying that the plaintiff should be recalled and

be cross-examined by the counsel for defendants.

6. By order dt.08-06-2013, the Court below allowed the said applications. It looked into the docket of the suit and noticed that P.W.1 had not been cross-examined by defendants, and in view of assertions made by 1st defendant/1st respondent herein that she was bedridden with fever and her counsel was also suffering from fever, it allowed the applications and reopened the evidence of P.W.1 for the purpose of cross-examination of P.W.1 on the ground that an opportunity should be given to defendants for the said purpose.

7. Challenging the same, these Revisions are filed.

8. Although the learned counsel for petitioner contended that the order passed by the Court below is vitiated by error of jurisdiction, I am of the opinion that the Court below had rightly exercised its discretion to give an opportunity to respondents to cross-examine P.W.1 since at an earlier point of time, the counsel for respondents/defendants could not do so on account of the fact that he was suffering from fever.

9. Therefore, I do not find any merit in these Revisions and they are accordingly dismissed. No costs.

10. However, the Court below shall endeavour to dispose of the suit as early as possible preferably within a period of six (06) months from the date of receipt of a copy of this order since it is an old suit.

11. As a sequel, miscellaneous petitions pending if any, in these Revisions, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 27-08-2015

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