

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No.1674 of 2015

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India by the petitioners/defendants, is directed against the orders dated 20.01.2015 of the Learned V Additional District Judge at Kothagudem passed in I.A.No.24 of 2015 in O.S.No.128 of 2012, filed under Order 18 Rule 17 read with Section 151 of the Code of Civil Procedure to recall PWs.3 and 4 for cross-examination.

2. I have heard the submissions of the learned counsel for both sides.

3. On merits, the trial Court had dismissed the aforementioned application filed by the defendants for recalling the witnesses Pws 3 and 4 for cross examination. Therefore, the aggrieved defendants are before this Court.

4. The suit is filed for recovery of money. I have gone through the material record. When the matter is before the trial Court and when in the circumstances stated by the defendants if an opportunity is given to them to cross examine the PWs 3 and 4 by recalling them, such a course would give a satisfaction to the defendants that they have been fairly dealt with in the system. Further, if during the course of trial a fair opportunity is given to the petitioners to cross-examine PWs.3 and 4 such a course would meet the ends of justice. Therefore this court finds that the laches on the part of the defendants in not cross-examining the said witnesses earlier can be condoned to meet the ends of justice and that an opportunity can be given to the defendants to cross-examine PWs.3 & 4, after recalling them, as such course would also obviate the necessity of remands in future by the appellate Courts.

5. Accordingly, the Civil Revision Petition is allowed and the impugned order dated 20.01.2015 passed in I.A.No.24 of 2015 is set aside, and PWs.3 and 4 are recalled for the purpose of cross-examination by the defendants. However, to avoid further delay in the progress of the trial before the trial

Court, as desired by the learned counsel for both the sides, it is directed that PWs.3 & 4 shall appear before the trial Court to make it possible for the trial Court to ascertain the convenience of the learned counsel for both sides on record and fix a date for appearance of PWs.3 and 4, within 15 days from the date of the receipt of a copy of this order, for proceeding with the cross examinations; and on the date that may be fixed by the trial Court, the cross-examinations of PWs.3 and 4 shall be completed without fail.

There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

25th June, 2015

Note: Issue copy by 27-07-2015

(B/o)

Js.