

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.2507 of 2015

Date:03.07.2015

Between:

Cheturvedhula Narasimha Murthy
S/o Venkata Subbaiah

..... **Petitioner**

And:

Gade Srinivasa Reddy,
S/o Late Brahma Reddy

....**Respondent**

Counsel for the Petitioner: Ms T.V.Sridevi

Counsel for the Respondent: None appeared

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 03.03.2015, in I.A.No.829 of 2014 in O.S.No.192 of 2010 on the file of the learned Principal Junior Civil Judge, Narasaraopet.

The respondent filed the above-mentioned suit for permanent injunction restraining the petitioner from interfering with his possession of the suit schedule property. After the evidence on the respondent's side was closed, the petitioner filed I.A.No.829 of 2014 under Order XVIII Rule-17 of the Code of Civil Procedure for

recalling P.W-2 for further cross-examination with regard to the source of title. The petitioner pleaded that in O.S.No.217 of 1999 filed by him for permanent injunction against P.W-2 and others, P.W-1 gave evidence on behalf of P.W-2 and P.W-2 has filed his chief-affidavit and was cross-examined at length with regard to the source of title of the suit property; and that in order to confront P.W-2 with his evidence in the said suit, he has filed this application. This application having been dismissed by the lower Court, the petitioner filed this Civil Revision Petition.

A perusal of the affidavit filed in support of I.A.No.829 of 2014 shows that no reason whatsoever was assigned by the petitioner for not confronting P.W-2 with his evidence in O.S.No.217 of 1999 during his cross-examination in the present suit. Though fair amount of discretion is vested in the Court to recall any witness, such discretion needs to be exercised for proper reasons. Mere omission to put certain questions to a witness cannot be a ground for recalling a witness to fill those gaps. Unless a strong case is made out for recalling the witness whose evidence is closed, it is neither proper nor desirable to recall the witness for the mere asking. Therefore, the lower Court is well justified in dismissing the application of the petitioner.

For the above-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.3354 of 2015 is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

03rd July, 2015
DR