

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

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CIVIL REVISION PETITION Nos. 4550 of 2014 & 1522 of 2015

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P.C.:

These two C.R.Ps. are directed against separate orders, both dated 30.10.2014, passed on I.A.Nos.321 and 330 of 2014 in O.S.No.547 of 2014. I.A.No.321 of 2014 was filed by the original defendants i.e. petitioners in C.R.P.No.4550 of 2014 seeking to recall P.W.1 for further cross-examination for confronting him with the documents relied upon by them in the suit. In I.A.No.330 of 2014, the plaintiff i.e. petitioner in C.R.P.No.1522 of 2015, had prayed for allowing him to recall P.W.1 for re-examination. Both the applications were dismissed.

This Court is informed that the trial has not proceeded further after closing the evidence of P.W.1. Keeping that in view and having considered the nature of prayers made by both, the plaintiff as well as the defendants, I am satisfied that both the C.R.Ps. can be disposed of by the following order:

“Orders, dated 30.10.2014 dismissing I.A.Nos.321 and 330 of 2014, are set aside. Both the applications are allowed. Plaintiff is allowed to re-examine P.W.1. The defendants are also allowed to cross-examine P.W.1 as prayed for. It is open to both to raise an objection to any question put to the witness (P.W.1) while re-examining or cross-examining him, which, according to them, cannot be asked in re-examination or in the cross-examination. If any such objection is raised, the trial Court shall consider the same in accordance with law.

In the fitness of things, it is desirable to allow the defendants to further cross-examine P.W.1 first and then to allow the plaintiff to re-examine, not only in respect of further cross-examination, but even the original cross-examination of P.W.1. However, it is left open to the trial Court to decide the sequence.”

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

Dt:17.04.2015

kdl