

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Civil Revision Petition No.2671 of 2015

Between:

Koyilada Sree Ramulu Naidu.

... Revision Petitioner

And

Dindi Babu Rao and others.

... Respondents

-

DATE OF JUDGMENT PRONOUNCED: 21.08.2015.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

- 1 Whether Reporters of Local newspapers
may be allowed to see the Judgments?
- 2 Whether the copies of judgment may be
marked to Law Reports/Journals
- 3 Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NO.2671 OF 2015

ORDER:

This revision, filed under Article 227 of the Constitution of India, is preferred against the order passed by the Learned Senior Civil Judge, Gajuwaka in I.A. No.286 of 2015 in O.P. No.258 of 2012 dated 17.06.2015. The petitioner herein is the defendant in the Suit, and the petitioner in the I.A.

D.Ws-2 to 4 filed their affidavits of examination in chief. The matter

was posted for cross-examination of D.W-2 to D.W-4 to 05.06.2015. It is the case of the petitioner herein that D.W-2 went to hand over the lunch box to his grand son; he is a diabetic; while he was returning from school he had his lunch; he, thereafter, suffered a stomachache upset because of which he had to attend the call of nature; and, as such, he could not attend the Court in time. The Court below eschewed the evidence of D.Ws-2 to 4.

The affidavit, filed in support of the I.A, refers only to the absence of D.W-2. Sri N. Subba Rao, Learned Counsel for the respondent, is justified in his submission that there is no whisper in the affidavit, filed in support of I.A. No.286 of 2005, as to why D.Ws-3 and 4 were also absent on that day. Sri L. Harish, Learned Counsel for the petitioner, while requesting one more opportunity to be given to D.Ws-2 to 4 to be subjected to cross-examination on a given day, would submit that, in case they failed to appear on that day, the Court below could, thereafter, eschew their evidence and proceed and decide the suit in accordance with law.

Sri L. Harish, Learned Counsel for the petitioner, states that D.Ws-2 to 4 would make themselves available for cross-examination on the 31st of August, 2015. I consider it appropriate to give the petitioner one more opportunity to make D.Ws-2 to 4 available for cross-examination. The order of the Court below is set aside on condition that the petitioner pays costs of Rs.500/- each to the respondents 1 to 3 within one week from today. On proof of payment of costs being furnished, the Court below shall permit D.Ws-2 to 4 to be cross-examined on 31st August, 2015. In case they are not present on that day, it is open to the Court below to eschew their evidence, and proceed thereafter to decide the suit in accordance with law. The Civil Revision Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, J

Date: 21.08.2015

Note: Issue copy by 25.08.2015.
B/o

MRKR