

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

Civil Revision Petition No.2316 of 2015

Between:

Dadi Challa Rao

... Petitioner

And

Dadi Appalakonda

...Respondent

DATE OF JUDGMENT PRONOUNCED: 07-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R. KANTHA RAO

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| 1 | <u>Whether Reporters of Local newspapers may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
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| 2 | <u>Whether the copies of judgment may be marked to Law Reports/Journals</u> | <u>Yes/No</u> |
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| 3 | <u>Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

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THE HON'BLE SRI JUSTICE R.KANTHA RAO

Civil Revision Petition No.2316 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner/defendant.
Though served with notice, none appeared for the respondent/plaintiff.

2. The petitioner is the defendant in O.S.No. 200 of 2012 on the file of the Senior Civil Judge, Pithapuram. During the course of trial, PW-1 was examined and his evidence was closed. The petitioner/defendant filed I.A.No.384 of 2015 to recall PW-1 for further cross examination on the ground that certain important aspects were not put to the said witness. The learned trial Court dismissed the petition on the ground that the petitioner did not disclose in detail as to what are the aspects which the petitioner/defendant wanted to put to the witness. In the affidavit filed by the petitioner/defendant before the trial Court, he mentioned the aspects on which he proposed to further cross-examine PW-1.

3. Having regard to the submissions made by the learned counsel and upon examining the facts and circumstances of the case, I am of the considered view that the learned trial Court ought not to have dismissed the petition but should have afforded an opportunity to the petitioner/defendant to further cross-examine PW-1.

4. For the foregoing reasons, the impugned order, dated 08.06.2015 passed by the learned Senior Civil Judge, Pithapuram in I.A.No. 384 of 2015 is hereby set aside. The petitioner-defendant is permitted to further cross-examine PW-1. The trial Court is directed to fix the date for further cross-examination of PW-1 and on the said date, the petitioner is directed to cross-examine PW-1 without fail.

5. Accordingly, the civil revision petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, filed in this revision shall stand closed.

R.KANTHA RAO, J

Date:07.08.2015

Ccm

THE HON’BLE SRI JUSTICE R.KANTHA RAO

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