

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.5588 of 2010

ORDER :

Heard learned counsel for the petitioner and the learned counsel for the respondent.

2. The present Civil Revision Petition is filed under Article 227 of the Constitution of India, assailing the order, dated 28.10.2010, passed in I.A.No.340 of 2010 in O.S.No.12 of 2004, on the file of the V Additional District and Sessions Judge, FTC, at L.B. Nagar, R.R. District, wherein and whereunder the evidence of P.W.2 was closed.

3. Learned counsel for the petitioner mainly submits that the order of the trial Court is totally erroneous for the reason that in view of the order passed by this Court in C.R.P.M.P.No.5288 of 2010 in C.R.P.No.3967 of 2010.

4. The same is opposed by the learned counsel for the respondent.

5. A perusal of the orders in the C.R.P.M.P.No.5288 of 2010 in C.R.P.No.3967 of 2010 would show that on 24.08.2010 this Court granted interim stay for a period of four (4) weeks. No material is placed before the Court to show extension of the stay order. The impugned order came to be passed on 28.01.2010, i.e., after the expiry of the interim order passed by this Court in C.R.P.M.P.No.5288 of 2010 in C.R.P.No.3967 of 2010.

6. Learned counsel for the petitioner submits that he

is ready to get P.W.2 cross-examined in the Court premises itself though the earlier plea was that the warrant has to be executed at his residence.

7. Having regard to the statement made by the learned counsel for the petitioner, the Civil Revision Petition is disposed of directing the petitioner/plaintiff to get P.W.2 cross-examined in the Court premises. It is left open to the petitioner/plaintiff to raise objections with regard to the legal heirs of the petitioner/plaintiff before the trial Court, in which event the same shall be dealt with in accordance with law. As a sequel thereto, Miscellaneous Petitions, if any, pending in this civil revision petition shall stand dismissed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date: 7th April, 2016

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