

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CIVIL REVISION PETITION Nos.1210 & 1224 of 2016

COMMON ORDER :

Both the revisions are filed impugning the orders of the trial Court dated 01.03.2016 in I.A. Nos.451 and 452 of 2016 in O.S. No.80 of 2005 on the file of I Additional Chief Judge, City Civil Court at Secunderabad, one is to reopen the evidence and the other is to recall D.W-1 for further examination to exhibit the document already received since dismissed saying neither the defendant of O.S. No.80 of 2005 nor the witness D.W-1 present and but for seeking adjournment, no bonafides could be shown for adjournment.

2) The contention in the grounds of revisions impugning the orders are that the lower Court should have been considered that D.W-1 having present on 29.02.2016 and could not attend on 01.03.2016 as he was the Director (operations) of the entity and he was to distribute the salaries to the workers and the salary day i.e., 1st of every month due for the preceding month end and was thereby held up at Vizag and could not turn up having went to Vizag on 29.02.2016 and opportunity should have been afforded from considering the request for adjournment.

3) Heard and perused the material on record. Undisputedly the documents were received to adduce as

secondary evidence, no doubt, subject to objections regarding admissibility, proof and relevancy to be raised by the other side, if any, and once such is the case and the D.W-1 stated could not attend, ends of Justice would subserve by allowing the two revisions and permitting the defendants in O.S. No.80 of 2005 and 81 of 2005, to cause examine D.W-1, further by reopening the evidence of defendants by recalling of D.W-1.

4) Accordingly and in the result, both the revisions are allowed subject to payment of costs of Rs.1,000/- payable to the plaintiff in O.S. No.80 of 2005 and to examine on the day being fixed by the Court. Any failure to comply as ordered supra results in upholding the order of the lower Court without any further reference to the Court. There shall be no order as to costs.

5) Pending miscellaneous petitions, if any in both the revisions, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

17.08.2016
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