

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.782, 1211 and 1216 of 2016

COMMON ORDER :

These revision petitions are arisen out of the three interlocutory applications.

2. Among three revisions from the scope supra, so far as C.R.P.No.782 of 2016 is concerned, which is filed against the docket order dated 26.11.2015 in O.S.No.714 of 2008 on the file of the I-Additional Senior Civil Judge, Warangal. As per the record, PW.1 cross-examination was in progress in piecemeal in continuation to the earlier cross-examination dated 21.12.2011, 17.02.2012 and 18.06.2015. On 26.11.2015 it was while the PW.1's cross-examination was going on, objections were raised for putting some irrelevant and inadmissible questions and when the same was brought on record in the deposition, the counsel for plaintiff sought time to maintain a revision and the trial Court thereby permitted to maintain any revision in the meantime by posted the suit for continuation of cross-examination of PW.1 to 17.12.2015.

3. It is the submission by both sides in the course of hearing that after 26.11.2015 there is a change of counsel for the defendants and the present counsel of defendants further cross-examined the PW.1 either on 17.12.2015 or later by saying PWs.3 and 4 are also already cross-examined at length.

4. C.R.P.No.1211 and 1216 of 2016 are filed against the impugned order dated 19.11.2015 in I.A.No.932 and 933 of 2015,

which are filed to reopen and recall for further cross-examination of PWs.1 to 4 respectively.

5. Needless to say, these matters are coming for continuation of further cross-examination of PW.1-plaintiff pursuant to the very deposition and docket order dated 26.11.2015. A perusal of the deposition of PW.1 dated 26.11.2015, no way requires interference by this Court as the objection of the plaintiffs is not tenable, but for to say any evidence already brought on record if at all inadmissible and irrelevant, the Court while appreciation of the evidence can ignore from consideration as what is to rely on appreciation is relevant and admissible and what all the facts proved for consideration there from. As stated above PWs.3 and 4 were cross-examined at length and now no further recall in need. So far as recall of PWs.1 and 2 since allowed concerned as stated supra, PW.1's cross-examination was in progress and automatically PW.1 is allowed to face further cross-examination, but for to say so far as PW.2 recall allowed is concerned, the trial Court (if not permitted further cross-examination of PW.1 for both sides unable to submit the facts in this regard) if already permitted for further cross-examination subsequent to 26.11.2015, ask only which are the relevant aspects and the area to be put to the witnesses for further cross-examination from the scope of Order XVIII Rule 17 C.P.C. is limited as a matter of course, to give such questions or the area of cross-examination by recall, in a sealed cover to the Court, therefrom the Court to permit cross-examination further

of PWs.1 and 2 only within that limited area of the questions or the area to be given in sealed cover and therefrom to consider to the extent relevant and admissible and nothing beyond.

6. Accordingly, the order of the trial Court to that extent is modified and all the three revisions are accordingly disposed of.

7. Miscellaneous petitions pending in all revisions, if any, shall stand closed. No order as to costs in all the revisions.

14th October 2016.

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Dr. B. SIVA SANKARA RAO, J

