

HON'BLE SRI JUSTICE M.S.K.JAISWAL

C.R.P.No.4990 of 2016

ORDER:-

The grievance of the petitioner, who is the defendant in O.S.No.6 of 2013 on the file of the Senior Civil Judge, Sompeta, Srikakulam, is that his request to recall PW.1 for further cross-examination has not been acceded to by the Court below and no reasons whatsoever have been recorded.

Notice was served on the respondent/plaintiff, but there is no representation on her behalf.

Heard learned Counsel appearing for the petitioner/defendant.

The trial in the suit is not yet concluded. PW.1 is the material witness and the defendant has to elicit certain vital aspects from PW.1. In order to afford ample opportunity to the defendant, it is just and necessary to recall PW.1.

In the result, the C.R.P. is allowed. The Order, dated 08.09.2016 is set aside. I.A.No.253 of 2016 shall stand allowed subject to the condition that the petitioner/defendant should cross-examine PW.1 on the very next date of hearing on which the matter is posted without seeking any adjournment. The petitioner/defendant shall pay costs of Rs.1,000/- (Rupees one thousand only) to PW.1 on which date PW.1 appears for cross-examination.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M.S.K.Jaiswal, J

26th December, 2016
smr