

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
CIVIL REVISION PETITION No.3444 OF 2014

ORDER:

Heard the learned counsel for petitioners and the learned counsel for the first respondent.

2. The petitioners herein are defendants 3 and 4 in O.S.No.30 of 2010 on the file of the Court of the Senior Civil Judge at Jangaon (for short, trial Court). The first respondent herein filed the said suit against the petitioners and respondents 2 and 3 herein for partition of the suit schedule property into 9 equal shares and to allot 2/9th share to him. When the evidence of the plaintiff was going on, the petitioners filed I.A.No.80 of 2014 to recall P.W.2 for cross-examination. A counter-affidavit was filed in the said application stating that the application was filed only to drag on the proceedings and P.W.2 went to Arab Emirates about one month back and he would return only after two months. In the light of the said averments, the trial Court allowed the application, by order dated 19.03.2014, subject to payment of Rs.300/- as costs and also payment of traveling expenses of the witness i.e., P.W.2 from abroad to Jangaon on filing air tickets and other proof in support of the journey. Challenging the said order, the present Civil Revision Petition is filed.

3. The said period of two months mentioned in the counter-affidavit was over long back. No stay was granted and now the learned counsel for the petitioners submits that the suit was posted for arguments.

4. At this juncture, it is not possible to allow the application for cross-examination of P.W.2 in view of lapse of time. However, if the suit is not disposed of, the petitioners shall be allowed to cross-examine P.W.2 who is stated to have been available now. The trial Court shall complete the cross-examination of P.W.2 on or before 28.02.2016 and endeavour

to dispose of the suit on or before 31.03.2016.

5. The Civil Revision Petition is, accordingly, allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 04.01.2016

Note: Issue CC in one week.

B/o. TJMR