

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION NO.1138 OF 2016

ORDER:

This civil revision petition is preferred by the defendant in the suit who moved I.A.No.1026 of 2015 for recalling P.W.1 for purposes of further cross-examination. That application was dismissed on 28.12.2015 holding *inter alia* that the suit was originally filed for declaration that the plaintiff is the owner of H.No.7-176, having a total extent of 120 sq.yds situated at Medchal Village, Ranga Reddy District. The case set up by the plaintiff by name Sri Dandu Yellaiah S/o late Dandu Balayya is that one Sri Dandu Balayya was the original owner of the house property bearing H.No.7-176 lying in an extent of 120 sq.yds. After the death of Sri Dandu Balayya, his sons Dandu Pochaiah and Dandu Narsimha have succeeded to the said property. It was subsequently amended, confining the suit claim to 60 sq.yds and the eastern half of the house property. The petitioner had cross-examined P.W.1 at length, but there was no suggestion left with regard to a document which is sought to be pressed against the plaintiff's claim now. The suit is now posted for arguments and at that stage, the defendant has filed the present application. Since, P.W.1 was already cross-examined in extenso and that too after the plaint has been amended, the Court below has rejected the interlocutory application holding that there is no merit in it. I have gone through the order passed by the Court below. I have not found any infirmity either legal or otherwise in exercising the jurisdiction vested in the Court below. The suit itself is an old suit. The plaintiff has no doubt restricted his claim from his original possession of 120 sq.yds to 60 sq.yds and to the eastern half of the house

property. Therefore, no prejudice is going to be caused by not further cross-examining P.W.1, as he was already subjected to cross-examination at the hands of the defendants. Therefore, I do not find any merit in this civil revision petition and it is accordingly dismissed at the admission stage.

Consequently, miscellaneous applications pending if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

18.03.2016

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