

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Civil Revision Petition No.2696 of 2016

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the VII Senior Civil Judge, City Civil Court, Hyderabad in I.A.No.346 of 2016 in O.S.No.306 of 2012 dated 22.04.2016.

The petitioner herein is the applicant in I.A.No.346 of 2016, filed under Order 18 Rule 17 CPC, to recall P.W.1 for cross-examination. In the affidavit filed in support of the application, the petitioner stated that, on 06.04.2011, PWs.1 and 3 were cross-examined and, as PW.2 did not appear, the matter was posted to 11.04.2016 for cross-examination of PW.2; her counsel did not appear on 11.04.2016 as he met with a small accident; and, by the time he reached the Court, the petitioner's right to cross-examine PW.2 was forfeited and the matter was posted to 19.04.2016 for arguments.

In the order under revision, the Court below noted that ample opportunities had been given to the petitioner on 31.08.2015, 28.01.2016, 25.02.2016 and 11.04.2016 for cross-examination of PW.2; however, on the aforementioned four dates, the petitioner had failed to cross-examine PW.2; the matter was called, from time to time, during the course of the day (ie 11.04.2016); as such, the cross-examination of PW.2 was treated as nil; the petitioner did not come forward with any satisfactory explanation, much less a plausible explanation, for her failure to proceed with the cross-examination of PW.2 on the aforementioned four dates; and, as the petitioner did not approach the Court with clean hands, there were no *bona fides* in the petition. The I.A. was, accordingly, dismissed.

In the affidavit filed in support of the I.A., the petitioner has not even referred to the opportunities provided to her earlier on 31.08.2015, 28.01.2016, 25.02.2016 and 11.04.2016, which she failed to avail. Further, except for a bald averment that her counsel had met with a small accident, no details are furnished as to the nature of the accident and whether the accident was of such a nature as to justify the absence of her

counsel when the matter was called at different times on 11.04.2016. The jurisdiction, which this Court exercises under Article 227 of the Constitution of India, is supervisory and not appellate. Save patent illegality in the order under revision, no interference is called for. The order, passed by the Court below, does not suffer from any such infirmity. I see no reason, therefore, to exercise jurisdiction under Article 227 of the Constitution of India to interfere with the order under revision.

The Civil Revision Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions, if any pending, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

Date:24.06.2016.

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