

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.3416 of 2016

ORDER:

This civil revision petition is filed against the order dated 19.04.2016 in I.A.No.674 of 2016 in M.V.O.P.No.366 of 2013 on the file of the Motor Accidents Claims Tribunal, Ongole (for short, Tribunal).

2. The affidavit filed in support of the application states that when the matter was posted to 29.03.2016, on verification of the deposition of P.W.3, it was noticed that some points were not covered in cross-examination of P.W.3. In that connection, the petitioner filed the present application i.e., I.A.No.674 of 2016 seeking to recall P.W.3 for the purpose of further cross-examination. The said application was dismissed by the Tribunal on the ground that the petitioner filed the petition to fill up the gap. The Tribunal also observed that P.W.3 is a Doctor who issued disability certificate and he was cross-examined by the learned counsel for the petitioner on 22.02.2016. Since he was already examined, the Tribunal held that no sufficient grounds were shown for further cross-examination and summons cannot be issued on the request of the private party.

3. Now it is clear that the Doctor, who issued the disability certificate, was examined as P.W.3 by the petitioner herein, who is the third respondent in MVOP.No.366 of 2013. The learned counsel for the petitioner fairly submits that now MVOP.No.366 of 2013 is reserved for orders. After closure of evidence of the parties on either side in MVOP.No.366 of 2013, the present application cannot be considered.

4. In view of the above, the civil revision petition is dismissed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

Date: 22.07.2016
TJMR