

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.610, 611 and 655 of 2016

COMMON ORDER:

The three revisions are maintained by the defendant/revision petitioner of O.S.No.381 of 2008 on the file of VIII Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar. He filed three applications in I.A.Nos.852, 853 and 1035 of 2014 i.e., to reopen the evidence of both sides already closed long back and the matter is pending for arguments since 2013, recall of PW.1 for the purpose of further cross examination viz., only to confront with certified copy of 1-B register by receiving the same and the petitions were dismissed, respectively on 07.08.2015 by separate orders. It is impugning the same, the three revisions are maintained.

2. Heard both sides at length and perused the material on record and taken for common disposal of all the three revisions.

3. The applications are filed by the alleged G.P.A.Holder. There is no G.P.A. even before the lower Court much less with recognition, as contemplated by Rule 32 of the A.P.Civil Rules of Practice and Circulation Orders, 1990. Without such recognition, a person cannot represent as agent to the party and thereby the petitions are not maintainable practically

but for to say any person acquainted with the facts can depose in support of the petition and the petitions duly signed by the advocate on record for locus of the deponent being not a party and not as a person acquainted but for purported G.P.A. without recognition of G.P.A. much less by production of G.P.A. if at all existence with affidavit of the executant of the GPA in force, which are the requirements.

4. Leave it as it is, the purpose of reopen the evidence and recall of PW.1 sought by the defendant is only to confront with the certificated copy of the public document obtained by the defendant by sought for its receiving while the matter is coming for arguments since more than a year to the date of petitions. Thus, there is no meaning in re-calling PW.1 again to the witness box to confront with the document by the defendant; but for if at all to exhibit the document only through the defendant as DW.1 by seeking his recall and without which the question of reopen the matter does not arise.

5. However, as the certified copy of 1-B register shown from the material on record of some bearing to the *lis*, because of disputing genuineness of Ex.A2, the Court within its discretionary power under Order XVIII Rule 17 C.P.C. where it is necessary to sub-serve the ends of justice and effective

adjudication of the *lis*, can permit any questions to be put by recall of any witness from the settled law.

6. Therefore, instead of dismissing the revisions by giving life to the litigation by directing to file fresh petitions, this Court is disposing of all the three revisions by reopening the matter before the trial Court and to receive the certified copy of the document and by permitting recall of DW.1 by virtue of this order within one week from the date of receipt of this order on appearance of the defendant, for further examination only limited to the extent of exhibiting the said certified copy of the 1-B register and for nothing more, but for giving right of cross examination only limited to that area by the plaintiffs and it is subject to costs of Rs.5,000/- (Rupees Five thousand only) payable by defendant to the plaintiffs.

7. Accordingly, all the three revisions are disposed of with costs.

8. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:20.09.2016
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