

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3352 of 2017

ORDER:

Heard both sides.

Assailing the order dated 12.06.2017 passed by the Senior Civil Judge, Piler, in I.A.No.65 of 2017 in I.P.No.09 of 2013, wherein an application made by the petitioners seeking to recall PW3 for cross examination was rejected, the present revision came to be filed under Article 227 of the Constitution of India.

It is to be noted that I.P. was posted on 06.06.2017 for cross examination of PW3. During the call work, it was represented that the counsel was ready to cross examine PW3, but as he was in the District Court, the petition was kept aside. Later on, when the case was called, there was no representation and hence an order came to be passed closing the evidence on behalf of the petitioner, in the above petition. It is to be noted that on 09.06.2017, an application seeking to recall PW3 for cross examination was made, but the same was rejected on 12.06.2017. Today, it is represented by the learned counsel for the respondents that entire evidence was recorded and even the arguments are over. But the same is disputed by the learned counsel for the petitioners.

Having regard to the facts and circumstances stated above and taking into consideration the nature of proceedings, the order

under challenge is set aside and PW3 may be recalled for cross examination, only if the arguments in the main suit are not completed.

With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

09.08.2017

Note:

Issue CC in two days.

B/ o.
vhb

C. PRAVEEN KUMAR, J

