

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 5232 OF 2016

ORDER:

Forfeiture of right to cross examine P.W.1 by order dated 13.07.2016 passed in CF No.6718 of 2016 (I.A.No. Nil of 2016) in O.S.No.427 of 2014 by the learned Principal Senior Civil Judge, Nellore, is questioned before this Court.

As can be seen from the narration of facts in the order under revision, there was time lapse on the part of petitioner/defendant on earlier occasion particularly on 10.03.2016 in proceeding with cross examination though P.W.1 was present. However, thereafter the matter underwent three adjournments i.e. 04.04.2016, 18.4.2016 and then thereafter the matter was listed on 16.6.2016. On 16.6.2016 a representation was seem to have been made that learned Counsel for the defendant is out of station and requested for later date. The same was not considered by the Court below and treated that the cross examination of P.W.1 is 'nil'. Hence the present Civil Revision Petition.

As the claim in the suit involves huge sum of Rs.9,00,000/-, considering the facts and circumstances of the case, the Court below ought to have granted one more opportunity to the petitioner/defendant to cross-examine P.W.1 by putting certain terms to avoid any further delay. In view of the facts and circumstances of the case on hand, the order under revision is set

aside subject to the condition that on the next date of posting the matter, the petitioner/defendant shall cross examine P.W.1 and complete the same, on which day, the learned Counsel for the respondent/plaintiff and his client would present. Further, the petitioner/defendant shall pay costs of Rs.3,000/- to the respondent/plaintiff within one week from today.

Subject to the above, the Civil Revision Petition is allowed.

Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 27th January, 2017.

Note: Office to dispatch copy of this
order in two days.
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