

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.630 of 2017

ORDER:

Heard learned counsel for the petitioner/ defendant and perused the material on record. Even notice served on the respondent as directed by this Court, there is no representation for respondent/ plaintiff.

2) This Civil Revision Petition is maintained against the docket order dated 02.12.2016 which reads as follows:

“PW.1 is present. The learned Defence counsel is absent. The case is coming for cross examination of PW.1 from 19.10.2016 but the defendant counsel is not ready. Hence their right to cross examine PW.1 is forfeited. For further evidence of Petitioner. Call on 20.01.2017.”

3) The docket orders dated 19.10.2016 and 11.11.2016 prior to the impugned docket order dated 02.12.2016 supra show that PW.1 was examined in chief and Exs.A1 to A6 were marked. For cross examination of PW.1, posted to 11.11.2016. On 11.11.2016, PW.1 is present. At request of learned counsel for defendant for cross examination of PW.1, posted to 02.12.2016.

4) However, originally O.S. No.193 of 2014 was filed before the Principal Junior Civil Judge at Miryalaguda and the same was transferred to Junior Civil Judge, Nidamanoor and re-numbered as O.S. No.18 of 2017.

5) In view of the same, this Court, to sub-serve the ends of justice, feels it necessary to dispose of the revision permitting the defendant to cross examine PW.1 before the lower Court on the date fixed by it pursuant to this order, subject to payment of

costs of Rs.1,000/- (Rupees one thousand only) payable to PW.1 or his counsel before the lower Court within one (1) week from the date of receipt of copy of this order. If the defendant fails to pay the same, the impugned order of the lower Court holds good.

6) Miscellaneous petitions pending consideration, if any, in this shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 14.07.2017

Note: Issue CC by 17.07.2017

B/o.

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