

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.3377 OF 2017

ORDER:

Defendants 3 and 4 are the petitioners herein. The respondents/ plaintiffs filed O.S.No.109 of 2013 to declare them as absolute owners of the plaint schedule land, whereas the defendant No.3 in the said suit filed O.S.No.208 of 2014 for cancellation of sale deed and injunction. Common evidence is being recorded in both the suits. The second plaintiff in O.S.No.109 of 2013 was being examined as P.W.1 and his evidence was completed, and the suits were posted for further evidence on behalf of plaintiffs. At that stage, the plaintiffs filed a petition in I.A.No.233 of 2017 in O.S.No.109 of 2013, to recall P.W.1 for re-examination. When the said application was allowed by order, dated 26.04.2017, by the Court of the Principal District Judge, Ongole, the present civil revision petition is filed.

The Order, dated 26.04.2017 in I.A.No.233 of 2017 in O.S.No.109 of 2013, passed by the trial Court reads as follows.

It is pertinent to note that the common evidence is ordered to be recorded in both the suits i.e., O.S.No.109 of 2013 and O.S.No.208/2014 in O.S.No.109/2013. Therefore, there is every chance of giving answers pertaining to one suit instead of another suit. Admittedly, at the time of cross-examination of P.W.1, senior counsel is also not present. Under these circumstances, this Court is of the considered opinion that if the petition is allowed no prejudice will be caused to the respondents, as the respondents have every opportunity to cross-examine P.W.1 and it also helps the Court for just adjudication. Hence, an opportunity can be given to the petitioners in the interest of justice and P.W.1 is recalled for the purpose of re-examination.

Since further evidence of the plaintiffs has not commenced and there is ample opportunity to the petitioners herein, I do not find any reason to interfere with the Order passed by the trial Court.

The civil revision petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

21.07.2017
pln

