

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.5763 of 2016

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India challenging the order dated 30.8.2016 in I.A.No.597 of 2016 in O.S.No.619 of 2012 on the file of the Court of XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned counsel for respondent Nos.1 to 3.

3. A perusal of the record reveals that the respondent Nos.1 to 3, who are plaintiff Nos.1 to 3, filed O.S. No.619 of 2012 against the respondent Nos.4 to 6 and petitioner herein, who are defendant Nos.1 to 4 respectively, for partition of suit schedule property. During the pendency of the suit, Advocate Commissioner was appointed to record the evidence of P.W.1. For one reason or the other, the petitioner herein did not choose to cross-examine P.W.1. The trial court closed the plaintiffs' side evidence. The petitioner filed I.A. No.597 of 2016 for reopening the plaintiffs' side evidence for the purpose of cross-examining the P.W.1 and the same was dismissed.

4. If the plaintiffs' side evidence is not reopened, it may cause untold hardship to the petitioner. On the other hand,

even if the petition is allowed, the same may not cause any prejudice to respondent Nos.1 to 3.

5. Having regard to the facts and circumstance of the case, the petition is allowed, setting aside the order dated 30.8.2016 in I.A.No.597 of 2016 in O.S.No.619 of 2012 on the file of the Court of XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad. Consequently, I.A. No.597 of 2016 is allowed reopening the plaintiffs' side evidence for the purpose of cross-examination of P.W.1. No costs. Miscellaneous petitions, if any pending in this revision petition shall stand closed.

Date: 19.1.2017.

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T.SUNIL CHOWDARY, J

