

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.2499 OF 2017

ORDER:

Heard learned counsel for petitioner and perused the material on record.

2) On 16.06.2017, there is no representation for respondent even proof of service filed, hence taken as heard and posted to 23.06.2017 under the caption 'For Orders'. Even today also there is no representation for respondent.

3) As per Order XVIII Rule 17 C.P.C the Court may at any stage of a suit recall any witness for examination, which is the discretion of the Court to exercise judiciously but not any right of a party. It is, in fact, akin to Section 165 of Indian Evidence Act and the main object is to sub-serve the ends of justice. Once such is the case, the recall of PW.1 is appears necessary to permit for his cross examination, though for the earlier latches, the Court can impose costs rather than shunning the valuable right of cross examination to test the veracity of the witness and to establish the case of the defendants.

4) Accordingly and in the result, the revision is allowed by setting aside the impugned order dated 22.03.2017 in I.A. No.1209 of 2016 in O.S No.445 of 2013 of the Senior Civil Judge, Nalgonda and remanded to lower Court by restoring the application and the lower Court is directed to hear both sides and pass appropriate orders for recall by fixing costs and time for completion pursuant to the above. No order as to costs.

5) As a sequel, miscellaneous petitions if any pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.23.06.2017
knl



HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.2499 OF 2017



Date:23.06.2017

kn1