

HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION Nos:4668 & 4682 OF 2016

COMMON ORDER:

1. Since both the revisions arise out of one common order and the parties are one and the same, they were heard together and are being disposed of by this common order.
2. Both the revisions are filed by the petitioner-defendant against the orders dated 2.8.2016 passed in I.A.Nos.370 and 369 of 2016 in O.S.No.338 of 2015 respectively by the I Additional Senior Civil Judge, Kakinada.
3. The petitioner-defendant filed I.A.No.369 of 2016 seeking to reopen the matter and I.A.No.370 of 2016 seeking to recall P.W.1 for further cross-examination on his behalf. The trial Court dismissed both the applications. Aggrieved by the same, the petitioner-defendant filed these revisions.
4. Heard and perused the material available on record.
5. It is the case of the petitioner-defendant that while cross-examining P.W.1, junior counsel has forgotten to cross-examine the witness on material aspects and therefore, an opportunity may be given to cross-examine P.W.1 again so as to prove his case. The suit is of the year 2015 and the trial in the suit has not yet been completed. Therefore, this Court is of the view that an opportunity may be given to the petitioner-defendant to cross-examine P.W.1.
6. Accordingly, both the Civil Revision Petitions are allowed. The trial Court is directed to reopen the matter and recall P.W.1 for the purpose of

cross-examination on behalf of the petitioner. P.W.1 shall be recalled and cross-examined on or before 15th February, 2017. The petitioner is directed to cross-examine P.W.1 on the date that would be fixed by the trial Court, without fail. The trial Court is directed to complete the trial and dispose of the suit as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date: 18th January, 2017
Nn.



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18th January, 2017

Nn.