

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION NO.822 OF 2016

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the order, dated 10.02.2016 in I.A.No.93 of 2016 in O.S.No.81 of 2009 on the file of the XIII Addl. Chief Judge (FTC), City Civil Court, Hyderabad.

2. No representation on behalf of the petitioner. Heard Mr.S.Sridhar, learned counsel for the respondent.

3. The petitioner herein filed the above interlocutory application under Order XVIII Rule 17 r/w Section 151 CPC to recall D.W.2 and receive the evidence affidavit of D.W.2. The trial Court dismissed the application as not maintainable. Hence, this revision.

4. In all fairness, the learned counsel for the respondent submitted that the respondent has no objection for allowing the revision.

5. Having regard to the facts and circumstances of the case and in view of submission made by the learned counsel for the petitioner, this Civil Revision Petition is allowed setting aside the order, dated 10.02.2016 in I.A.No.93 of 2016 in O.S.No.81 of 2009 on the file of the XIII Addl. Chief Judge (FTC), City Civil Court, Hyderabad and consequently I.A.No.93 of 2016 is allowed re-calling D.W.2 to receive the evidence affidavit of D.W.2. No order as to costs. Miscellaneous petitions, if any pending, in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 07-04-2017.

Hsd

