

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.3813 of 2014

ORDER:

Heard both sides and perused the grounds of revision and the impugned order of the lower Court dated 04.08.2014 in I.A.No.571 of 2014 in the pending suit O.S.No.453 of 2011 in permitting recall of PW.1 for further cross examination by defendants with reference to the plaintiff in so called link documents.

It is the submission of the learned counsel for the revision petitioner/plaintiff that the trial Court gravely erred and even party is not entitled, but for the discretion of the Court where the Court feels that the evidence on record from the Court in clarifying for the effective adjudication of the lis even from very Order 18 Rule 17 CPC, thereby the impugned order is liable to be set aside. Whereas it is the submission of the learned counsel for the respondents/defendants that the lower Court once exercised within its discretion including under Section 151 CPC irrespective of not covered by Order 18 Rule 17 CPC, for this Court while sitting in revision there is nothing to interfere.

There is nothing to interfere practically when certain questions are to be put only in relation to the plaintiff's source of title from the link documents of the plaintiff and not to enlarge the scope of the further cross examination, but for to limit the same by the trial Court, however subject to costs of Rs.2,000/- payable by the defendants to pay to the counsel for the plaintiff or plaintiff within one week from the date of receipt of this order.

Accordingly and in the result, the Civil Revision Petition is allowed to that extent for the lower Court to fix a date and complete the process for the suit is of the year 2011 for early disposal.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 27.12.2017
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