

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.511 of 2017
and
Civil Revision Petition (SR) No.2891 of 2017

Common Order:

These revisions arise out of the refusal of the Trial Court to reopen the evidence on the side of the plaintiff and to recall P.Ws.1 and 2.

2. Heard the learned counsel on both sides.

3. The suit is for recovery of money based upon a promissory note. After the evidence on the side of the plaintiff was over, the petitioner/defendant took out two applications for reopening and recalling P.Ws.1 and 2 for the purpose of putting few questions in the cross-examination, which according to the petitioner were left out. The Trial Court dismissed the applications on the ground that the petitioner has not indicated the aspects that she would like to cover. Hence, the present revisions.

4. The contention of the learned counsel for the respondent is that now the evidence on the side of the defendant was also closed and that the aspects that the petitioner wants to elicit in the cross-examination are not indicated.

5. But the petitions for reopening and recalling the evidence of one witness, may be for different purposes. When a petition is filed for reopening and recalling a witness for the purpose of cross-examination, one cannot expect the party to

reveal all that he has close to his chest. Therefore, in my considered view, the rejection of the request for reopening the evidence of P.W.1 and for recalling P.W.1 may not be justified. P.W.1 is the plaintiff. P.W.2 is the witness to the promissory note. Since nothing is indicated as to why the petitioner wants to recall P.W.2, it is not possible to grant such a prayer.

6. Therefore, the revisions are allowed to a limited extent, permitting the recalling of P.W.1 alone for the purpose of cross-examination. The Trial Court shall fix a date on which P.W.1 shall make himself available. The petitioner shall without dragging on the proceeding, complete the cross-examination and thereafter lead evidence on her side. The suit may be disposed of within a period of 3 (three) months from the date of receipt of a copy of this order. The miscellaneous petitions, if any, pending in these revisions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

17th February, 2017.
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