

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.593 of 2017

Order:

The petitioner has come up with the present revision petition, challenging an order by which the Trial Court directed the petitioner to produce for cross-examination, the deponents to 3 supporting affidavits filed by him in support of his interlocutory application for injunction.

2. Heard Mr. G.Vijaya Babu, learned counsel for the petitioner. Mr. A.Samir Kumar Reddy, learned counsel, takes notice for the respondents 1 to 3.

3. I do not think the Trial Court committed any irregularity. In support of his application seeking injunction, the petitioner relied upon supporting affidavits given by 3 independent parties. The respondents 1 to 3 herein naturally wanted to cross-examine those parties. Since it is a right which flows out of the principles of natural justice, the Trial Court allowed the same.

4. However, the petitioner assails the impugned order on two grounds, namely, (a) that in an interlocutory application, there is no scope for prolongation and (b) that these supporting affidavits cannot be equated to affidavits filed in lieu of chief-examination.

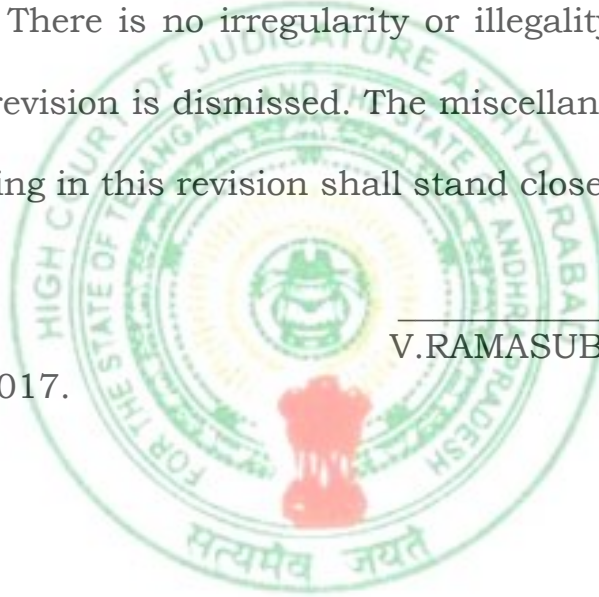
5. But both the above grounds are not sustainable. There is no law which prohibits oral evidence being taken in interlocutory applications. Though a full-fledged trial cannot

go on, the Court is not powerless to take evidence. Hence, the 1<sup>st</sup> ground is rejected.

6. Insofar as the 2<sup>nd</sup> ground is concerned, a supporting affidavit irrespective of whether it is filed as an affidavit in lieu of chief-examination or not, is nothing but an oral statement converted into a statement on oath. Therefore, as part of the principles of natural justice, the respondents 1 to 3 are entitled to cross-examine the deponents of such affidavits. Therefore, the Trial Court was right in allowing the application. There is no irregularity or illegality in the order. Hence, the revision is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

07<sup>th</sup> April, 2017.  
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V.RAMASUBRAMANIAN, J.



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