

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**CIVIL REVISION PETITION No. 842 of 2013**

**ORDER:**

This civil revision petition is filed by the petitioner/plaintiff, aggrieved by the docket order, dated 05.02.2013, passed in I.A.No.79 of 2013 in O.S.No.303 of 2011 on the file of the III Additional Junior Civil Judge at Kadapa wherein the application filed by the petitioner seeking to recall her as P.W.1 for further re-examination was dismissed.

The petitioner filed a suit in O.S.No.303 of 2011 on the file of the III Additional Junior Civil Judge, Kadapa, against the respondents for permanent injunction. She filed I.A.No.79 of 2013 seeking to recall her as P.W.1 for further re-examination. Her case is that she filed an affidavit in lieu of chief examination before the Court below on 05.09.2012 and she was cross-examined on 17.12.2012 after the counsel for the defendants took number of adjournments. She contends that her request for an adjournment, on the ground that she was suffering from severe viral fever and that her counsel was not in town on that day, was rejected by the Court below.

Heard the learned counsel on both sides and perused the record.

Every witness would be subjected to chief-examination and then cross-examination and, if necessary, such witness can be put for re-examination. The request made by the petitioner appears to be

reasonable, because her cross-examination was conducted in the absence of her counsel and more so while she was suffering with fever. Therefore, no prejudice would be caused, if the petitioner is recalled as P.W.1 for re-examination.

Accordingly, the Civil Revision Petition is allowed, the impugned order is set aside, and the I.A.No.79 of 2013 is allowed.

Consequently, miscellaneous petitions if any pending in the revision shall stand dismissed. There shall be no order as to costs.

---

**ABHINAND KUMAR SHAVILI, J**

20<sup>th</sup> October, 2017  
cbs



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



CIVIL REVISION PETITION No. 842 of 2013  
(allowed)

20<sup>th</sup> October, 2017

cbs