

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No. 2866 OF 2017

ORDER:

Heard the learned counsel for revision petitioner/defendant No.1 and in view of nature of the controversy involved herein, which does not pose any issue of fact or law, this revision is disposed of at the admission stage without ordering notice on respondents.

2. This Civil Revision Petition is filed by the defendant No.1 aggrieved by order, dated 03.02.2017 in I.A. No.1797 of 2016 in O.S. No.82 of 2012 passed by the IV Additional District Judge, Kadapa, YSR District wherein the learned Judge partly allowed the petition filed by the petitioners/defendants. While allowing the petition to recall PW-3 for cross-examination, the learned Judge dismissed the petition to recall PW-1.

3. The submission of the learned counsel for the petitioner/defendant No.1 is that in the light of orders in C.R.P.No.3268 of 2016 passed by this Court, it necessitated the defendants to further cross-examine PW-1 on the aspects touching the outgoing partnership deed, which aspects were not touched in the earlier cross-examination of PW-1. A perusal of copy of cross-examination of PW-1 would show that PW-1 stated that the original of outgoing partnership deed was sent to the Sales Tax Department; he has not filed any document evidencing sending of dissolution of partnership deed to the Sales Tax Department; he sent the same in

the year 1987; his auditor might have sent the same and Shaik Nazeer was his auditor from 1980 to till date.

4. In the light of the above evidence of PW-1, recall of PW-1 for further cross-examination on the aspects touching the outgoing partnership appears to be reasonable one. Therefore, this civil revision petition is allowed setting aside the impugned order dt.03.02.2017 in I.A.No.1797 of 2016 in O.S.No.82 of 2012 in far as it relates to dismissal of the petition for recalling PW-1.

5. Accordingly, the C.R.P. is allowed and the trial Court is directed to recall PW-1 and permit the defendants to further cross-examine him strictly on the aspects touching the outgoing partnership deed. This exercise shall be completed within one month from the date of receipt of a copy of this order. No costs.

As a sequel, miscellaneous petitions, if any, pending in the revision petition shall stand closed.

U.DURGA PRASAD RAO,J

Date:30-06-2017
ccm

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO



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