

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.1413 of 2014

ORDER:

This civil revision petition is filed by the petitioner under Article 227 of the Constitution of India aggrieved by the order dated 04.03.2014 in I.A.No.159 of 2014 in O.P.No.2274 of 2010 on the file of the Court of XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad.

Heard both the counsel.

A perusal of the record reveals that the first respondent herein filed O.P.No.2274 of 2010 on the file of the Motor Accidents Claims Tribunal cum XIII Additional Chief Judge, City Civil Court, at Hyderabad, claiming compensation for the injuries sustained by her in a motor vehicle accident. The trial Court appointed advocate commissioner to record the evidence on behalf of the petitioners. Learned advocate commissioner completed chief examination of P.W.1. The petitioner herein and the respondent No.2 did not choose to cross-examine P.W.1. Hence, the trial Court having no other alternative closed the cross-examination of P.W.1. The petitioner herein filed I.A.No.159 of 2014 in O.P.No.2274 of 2010 to recall P.W.1 for the purpose of cross-examination. The trial Court dismissed the petition. Hence, the present revision.

The very purpose of cross-examination of witness is to ascertain the truth from the witness. The fact remains the petitioner herein did not cross-examine the witness inspite of

several adjournments. If the petition is not allowed, the same may cause prejudice to the petitioner. Even if the petition is allowed, the same may not cause any prejudice to the rights of the first respondent.

Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to allow the petition.

Accordingly, the Civil Revision Petition is allowed setting aside the order dated 04.03.2014 in I.A.No.159 of 2014 in O.P.No.2274 of 2010. Consequently, I.A.No.159 of 2014 is allowed. The petitioner herein is directed to cross-examine the witness on the date fixed by the trial Court. If the petitioner fails to cross-examine the witness as directed by the trial Court, the trial Court is at liberty to proceed with the matter in accordance with law. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

T. SUNIL CHOWDARY, J

February 2, 2017.

Note:

Issue C.C. in one week.

B/ o. Rns