

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.6219 OF 2016

ORDER:

1 This Civil Revision Petitions is filed under Article 227 of the Constitution of India challenging the order dated 20.09.2016 passed in I.A.No.347 of 2016 in O.S.No.309 of 2012 on the file of the Court of the I Senior Civil Judge, City Civil Court, Hyderabad.

2 Heard both sides.

3 A perusal of the record reveals that the respondents herein filed O.S.No.309 of 2012 against the petitioner for eviction from the suit schedule property alleging that the petitioner committed default in payment of agreed rent. The petitioner filed written statement opposing the claim of the respondents. After completion of evidence on both sides, the petitioner filed I.A.No.347 of 2016 under Order 18 Rule 17 CPC to recall P.W.1 for further cross examination. The trial Court after affording reasonable opportunity to both sides, dismissed the petition. Hence the present Civil Revision Petition.

4 The learned counsel for the petitioner submitted that the petitioner may be granted one more opportunity to the petitioner to cross examine P.W.1. The learned counsel for the respondents submitted that the petitioner is intending to drag on the matter on one pretext or the other.

5 The very purpose of cross examination of a witness is to elicit truth or relevant information, which may throw light on the issue involved in the suit. It is not uncommon to file this type of petitions with an ulterior motive to drag on the matters. Some times, dismissal of recall petitions may cause prejudice to the parties to the

proceedings. Taking into consideration the very nature of the suit filed by the respondents, I am of the considered view that granting of one more opportunity to the petitioners to cross examine P.W.1 may not cause prejudice to the respondents. Hence I am of the considered view that this is a fit case to allow the Civil Revision Petition.

6 In the result, the Civil Revision Petition is allowed, setting aside the order dated 20.09.2016 passed in I.A.No.347 of 2016 in O.S.No.309 of 2012 on the file of the Court of the I Senior Civil Judge, City Civil Court, Hyderabad. Consequently, the I.A.No.347 of 2016 stands allowed. The petitioner is hereby directed to complete the cross examination of P.W.1 on the date fixed by the trial Court, preferably, on or before 30.06.2017. If the petitioner fails to complete the cross examination of P.W.1 on the date fixed by the trial Court, on or before 30.06.2017, the trial Court is at liberty to proceed with the suit in accordance with law. No order as to costs. As a sequel, miscellaneous petitions if any pending in this revision petition shall stand closed.

T. SUNIL CHOWDARY, J.

Date: 27.04.2017

Kpsn