

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5816 OF 2017

ORDER:

Heard both sides and perused the impugned order of the lower court and the grounds urged in the revision.

2. It is for the cross-examination of D.W.1 further, while the matter was continuing, after waiting for several adjournments, the court closed the evidence of the defendant with no further cross-examination. According to the counsel for the revision petitioner/plaintiff, he cross-examined defendant D.W.1 at length and few aspects are remained and on that day could not attend. The order of the lower court particularly in Page No.2 at Paragraph No.2 shows several adjournments given, but it is not shown it is for the non-appearance of D.W.1 or non further cross-examination by plaintiff from the rival contentions by both parties. Leave it apart, as the evidence of D.W.1 is incomplete and it is not even a case of treated the evidence with no value for his non-appearance to face further cross-examination, to sub-serve the ends of justice, subject to costs of Rs.2000/- as already awarded in dismissal of the application by lower court, the dismissal order is set aside by permitting for cross-examination, directing the trial court to fix a day after receipt of the order for the appearance of D.W.1 and completion of

the further cross-examination on that day without taking further time.

3. Accordingly and with the above directions, this civil revision petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

DR.B.SIVA SANKARA RAO, J

10.11.2017
SS

