

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.6186 OF 2017

ORDER:

This C.R.P. is filed aggrieved by the order dated 25th October, 2017 in I.A.No.444 of 2016 in I.A.No.393 of 2015 in O.S.No.115 of 2015 whereby the learned Principal Senior Civil Judge, Shadnagar, dismissed the petition filed by the defendants under Order XIX Rules 1 and 2 to summon the first plaintiff to cross-examine him in I.A.No.393 of 2015.

Heard the learned counsel.

I.A.No.393 of 2015 is filed by the respondents/plaintiffs seeking interim injunction and the petitioners/defendants are contesting the said petition. While so, in the said I.A.No.393 of 2015, the petitioners/defendants filed I.A.No.444 of 2016 to summon the first plaintiff to cross examine on the ground that the respondent/plaintiff filed the I.A.No.213 of 2016 for receiving the documents and the said petition is filed without any pleading in I.A.No.393 of 2015 with reference to those documents and hence, it is essential to cross-examine the first plaintiff with reference to those documents.

The respondents/plaintiffs opposed the said petition.

The trial court dismissed the petition mainly on the observation that I.A.No.393 of 2016 is only an interim injunction petition wherein the scope and object of the suit cannot be enlarged

and therefore, at this stage, the petitioners cannot be permitted to cross-examine the first plaintiff. Hence, the revision.

As can be seen from the record, I.A.No.213 of 2016 was filed by the respondents/plaintiffs in I.A.No.393 of 2015 to receive two documents i.e., C.C. of judgment in O.S.No.11 of 1970 and C.C. of A.S.No.18 of 1972.

The contention of the petitioners is that without there being any plea in I.A.No.393 of 2015, plaintiffs sought to introduce the contents of the aforesaid two documents in their petition and therefore, the defendants may be permitted to cross-examine the first plaintiff with reference to those documents.

I find absolutely no merit in the said submission. As observed by the trial court, the scope of the petition is very limited to see whether the respondents/plaintiffs could establish their prima facie case and balance of convenience and irreparable loss or not. The two documents are nothing but judgment and copy of A.S.No.19 of 1972. With reference to those documents, the petitioners/defendants can argue before the court below as to the relevancy or irrelevancy of those documents in I.A.No.393 of 2015. For this purpose, there is no requirement of cross-examination of the plaintiff. The trial court rightly dismissed the petition and I see no perversity in the order impugned. While dismissing the C.R.P., the trial court is directed to dispose of the I.A.No.393 of 2015 on merits within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, this C.R.P. is disposed of. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE U.DURGA PRASAD RAO

Dated 26th December, 2017.

Dvs



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Dated 26th December, 2017.

Dvs