HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.5782 of 2017

ORDER : (Oral)

Vide the present petition, the petitioners have challenged the order dated 11.10.2017, passed in I.A.No.1084 of 2017 in O.S.No.149 of 2009 on the file of I-Additional District Judge, Guntur, whereby, the application filed by the petitioners under Order 18 Rule 17 CPC and under Section 151 CPC has been dismissed.

2. The petitioners have filed the aforesaid application to recall PW-1 for the purpose of further cross-examination on the aspects of the orders passed by the Revenue Divisional Officer, Guntur bearing Rc.No.510/2007-H, dated 12th May 2008 and the revisional orders passed in Rc.No.2466/2008-D5 (R.P.No.7/2008), dated 12th January 2009 by the Joint Collector.

3. The present petition is filed on the ground that the learned trial Judge has failed to see that PW-1/plaintiff filed only the orders of the Revenue Divisional Officer and the Joint Collector but not filed the other documents and material placed before the above authorities. Said material would disclose the controversy between the parties. Therefore, if those documents are summoned and PW-1/plaintiff is cross-examined on those aspects, it would give a clear picture of the controversy between the parties and would facilitate the Court to decide the suit on correct lines.

4. Counsel appearing on behalf of petitioners submits, PW-1 was earlier cross-examined, however, she was not cross-examined on certain aspects, therefore, it is necessary to recall PW-1 for further cross-examination by the petitioners.

5. The respondents contended before the trial Court that the petitioners, during the course of cross-examination of PW-1, have already suggested to her about preferring appeal before the Revenue Divisional Officer and also about filing revision before the Joint Collector and made the cross-examination in detail. Therefore, there is no necessity to recall PW-1 for putting the very similar questions, which were already put to her during earlier cross-examination.

6. After considering the rival contentions of the parties, the learned trial Court observed that during the cross-examination of PW-1, counsel for the petitioners had suggested to her about preferring of appeal before the Revenue Divisional Officer and also filing revision before the Joint Collector. Hence, summoning of documents from the office of Revenue Divisional Officer and recalling PW-1 for further cross-examination, is only a futile exercise and it would amount to repetition of cross-examination.

7. Learned trial Court further observed that, as contended by the respondents/plaintiffs, PW-1 was already cross-examined by the petitioners in respect of the above said facts. It is also observed that the documents which were intended to be summoned from the

Revenue Divisional Officer, Guntur, were already on record by way of certified copies and were also marked in evidence. As such, once again summoning the said documents from the Revenue Divisional Officer and recalling PW-1 for further cross-examination, is only a futile exercise.

8. It is not in dispute that PW-1 was already examined and cross-examined and the documents from the office of Revenue Divisional Officer, Guntur were also marked. Thus, the documents as well as the examination of PW-1 is on record. If PW-1 was not cross-examined by the earlier counsel on a particular aspect, such lacuna cannot be filled by further cross-examining PW-1 by the subsequent Advocate.

9. In view of above, I find no illegality or perversity in the order passed by the Court below.

10. Finding no merit in the instant revision petition, the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

17^{th} November 2017

ajr