

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

CIVIL REVISION PETITION No.6810 OF 2017

ORDER:

Heard the learned counsel for the petitioner/plaintiff before admission and before notice to respondents and perused the grounds urged in the revision and the impugned order of the lower Court.

2. Even Order XVIII Rule 3A C.P.C. contemplates examination of a party before examination of witnesses and if at all there is any special circumstances to obtain leave to examine witness before examination of party, no such application filed, much less, by seeking special leave. Here, in this case, so far as summoning of a witness to examine is concerned, even by invoking Order XVI, it arises by virtue of the above, after examination of the plaintiff.

3. Having regard to the above, the Civil Revision Petition can be disposed of by saying none of the observations in the dismissal order of the lower Court in I.A.No.800 of 2017 shall prejudice said right of the plaintiff after commencement of trial to file application to summon said witness to produce document and give evidence for considering on own merits. So far as injunction application is concerned, any fact to be proved by securing a document otherwise if party gives or by filing affidavit of said third party if any.

4. Accordingly, the Civil Revision Petition is disposed of.

5. 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

Date: 06.12.2017

Note:

Issue C.C. in two days.

B/ o.

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