

**In the High Court of Judicature at Hyderabad
for the State of Telangana and the State of Andhra Pradesh**

Civil Revision Petition Nos.6946, 6951 & 6975 of 2017

Between:

Dr.Kasimhanti Venkata Srinivasa Srikrishna
Geethanand

... Petitioner

and

Kandukuri Butchi Mallikeswara Rao

...Respondent

Date of Judgment Pronounced: 15-12-2017

Submitted for Approval:

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

1. Whether Reporters of Local newspapers may be allowed to see the judgments ? Yes/No
2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment ? Yes/No

(C.V.Nagarjuna Reddy, J)

* 'The Hon'ble Sri Justice C.V.Nagarjuna Reddy

+ Civil Revision Petition Nos.6946, 6951 & 6975 of 2017

% Dated 15.12.2017

Between:

Dr.Kasimhanti Venkata Srinivasa Srikrishna
Geethanand

... Petitioner

and

Kandukuri Butchi Mallikeswara Rao

...Respondent

! Counsel for the petitioner:

Mr.L.Santaram

for Mr.K.Sai Krishna Mohan Rao

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>HEAD NOTE:

? Cases cited:

(2009) 4 SCC 410
(2011) 11 SCC 275
(2016) 14 SCC 142



The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition Nos.6946, 6951 &6975 of 2017

Dt: 15-12-2017

CRP.6946/17

Between:

Dr.Kasimhanti Venkata Srinivasa Srikrishna
Geethanand

....Petitioner

and

Kandukuri Butchi Mallikeswara Rao

....Respondent

Counsel for the Petitioner:

**Mr.L.Santaram
for Mr.K.Sai Krishna Mohan Rao**

The Court made the following:



Common Order:

CRP.Nos.6951 and 6975 of 2017 arise out of Common Order, dated 31-01-2017, in IA.Nos.2032 & 2029 of 2016 in OS.No.454 of 2013, on the file of the Court of the VII Additional District Judge, Visakhapatnam (for short 'the lower Court').

CRP.No.6946 of 2017 arises out of Common Order, dated 31.01.2017, in IA.Nos.2033 & 2034 of 2016 in OS.No.455 of 2013, on the file of the lower Court.

While the petitioner is the common defendant in both the suits, the plaintiffs therein are wife and husband, who filed the same separately for recovery of money from the petitioner.

After the evidence of PW.1- plaintiffs was closed, the petitioner filed IAs for reopening and recalling PW.1 in both the suits. These Applications having been dismissed, the unsuccessful defendant filed these Civil Revision Petitions.

A perusal of the impugned Common Orders of the lower Court shows that the IAs were dismissed mainly on

the ground that the petitioner has not indicated the aspects on which he proposes to further cross-examine the respondent/plaintiffs in the respective suits.

Mr.L.Santaram, learned Counsel appearing for Mr.K.Sai Krishna Mohan Rao, learned Counsel for the petitioner, submitted that the reasoning of the lower Court is erroneous, for, the very purpose of cross-examination of the witness could be defeated, if the proposed questions are revealed.

In my opinion, the above submission of the learned Counsel is without merit. In its Order, the lower Court has observed that the petitioner failed to indicate the aspects, on which he wants to further cross-examine PW.1.

While it is true that disclosure of the questions that are proposed to be put to the witness in his further cross-examination would make the very purpose of further cross-examination redundant, it is obligatory on the part of the party seeking summoning of any witness for further cross-examination to satisfy the Court with sufficient reasons therefor. For this purpose, the party has to necessarily

indicate the aspects, on which he would like to cross-examine the witness further. While disclosing specific questions is one thing, indication of the aspects on which the party wants further cross-examination is quite another thing. In the latter case, no prejudice will be caused to the party seeking summoning of the witness for further cross-examination. This view is fortified by the judgments of the Apex Court in **Vadiraj Naggappa Vernekar v. Sharadehandra Prabhakar Gogate¹**, **K.K.Velusamy v. N.Palanisamy²** and **Gayathri v. M.Girish³**.

A perusal of the affidavits filed by the petitioner shows that nothing is indicated therein except stating that on the advice of the new Counsel, it was realized that some important questions were not put to PW.1 during his cross-examination and that they are very important to substantiate his case. In my opinion, such a reason is wholly unacceptable, for, a witness cannot be summoned, as a matter of course, for further cross-examination. The party has to necessarily satisfy the Court that the aspects on which he proposes to cross-examine are material for proper and

¹ (2009) 4 SCC 410

² (2011) 11 SCC 275

³ (2016) 14 SCC 142

effectual adjudication of the case and that if an opportunity is not given to him for further cross-examination, it would result in failure of justice. Otherwise, the parties may file applications one after the other resulting in endless procrastination of the suits.

For the afore-mentioned reasons, I do not find any jurisdictional error in any of the Common Orders of the lower Court.

All these three Civil Revision Petitions are, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petitions, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Date: 15-12-2017

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