

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.6602 OF 2012

ORDER:

The trial Court exercised its discretion, jurisdiction and accepted the prayer of respondent herein for recalling PW.1 for further cross examination. I have seen the affidavit filed by respondent and also the order of the trial Court under revision. Prima facie, this Court is of the view that the trial Court was persuaded to accept the request of respondent herein for recalling PW.1 since the evidence on defendant's side is yet to commence. The trial Court has exercised discretion and afforded opportunity to respondent herein for cross examination of PW.1. This Court ought not to be substituting its reasons against the reasons recorded in order impugned in the CRP. The CRP since does not make out a ground warranting interference under Article 227 of the Constitution of India, the revision fails and is dismissed. No order as to costs.

Learned counsel submits that the suit is dismissed for default. The statement is placed on record and this Court is of the view that as the suit was dismissed for default, the other aspects of the matter are not examined. The legality of order impugned under CRP alone is considered.

Miscellaneous petitions pending, if any, shall stand closed.

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S.V.BHATT, J

Date:07.09.2018

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