

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.1125 and 1126 of 2018

Common Order:

Aggrieved by the dismissal of an application for reopening and another application for recalling P.Ws.1 to 3 for cross-examination, the 1st defendant in a suit for declaration of title and recovery of possession has come up with the above civil revision petitions.

2. Heard Mr. S.Sreeramachandra Murthy, learned counsel for the petitioner and Mr. K.V. Bhanu Prasad, learned counsel for the 1st respondent/plaintiff.

3. Admittedly, the witnesses on the side of the plaintiff viz., P.Ws.1 to 3 were already cross-examined by the petitioner/1st defendant. But it appears that due to difference of opinion between the petitioner and his counsel, the counsel has now changed. The new counsel is claimed to have brought new wisdom.

4. The suit is of the year 2015. Though it appears that the suit has prolonged, particularly for the reasons attributable to the petitioner, the fact remains that there is change of counsel. Therefore, I am of the considered view that while granting one opportunity to the petitioner, a timeframe could be fixed so that the petitioner does not take undue advantage of this order.

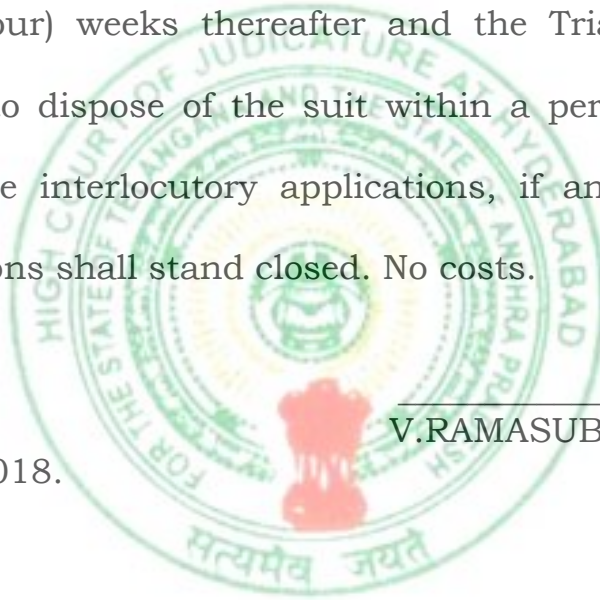
5. Therefore, the civil revision petitions are allowed, the impugned orders are set aside and the applications for

reopening and recall are allowed. The Court below shall fix a date within two weeks from the date of receipt of a copy of this order for the appearance of all the three witnesses. On the date so fixed by the Trial Court, the petitioner/ 1st defendant shall proceed with the cross-examination. If the petitioner fails to avail this opportunity, the petitioner will forfeit this opportunity.

6. After the completion of the cross-examination of P.Ws.1 to 3, the petitioner shall produce his own witnesses within 4 (four) weeks thereafter and the Trial Court shall endeavour to dispose of the suit within a period of 4 (four) months. The interlocutory applications, if any, pending in these revisions shall stand closed. No costs.

20th July, 2018.
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V.RAMASUBRAMANIAN, J.



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