

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CIVIL REVISION PETITION No.4636 of 2017**

**ORDER:**

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 30.08.2017 passed in I.A.No.266 of 2017 in O.S.No.1000 of 2014 on the file of the Court of the I Additional Senior Civil Judge, Kakinada.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the respondent filed O.S.No.1000 of 2014 on the file of the Court of the I Additional Senior Civil Judge, Kakinada, against the petitioners for recovery of suit amount with interest at the rate of 12% per annum. A perusal of the record further reveals that the trial Court permitted the petitioners to cross-examine PW.1 on 15.02.2017, 14.03.2017 and 16.03.2017. The petitioners' counsel did not cross-examine PW.1 as he was engaged in another Court. The trial Court closed the cross-examination of PW.1 as 'Nil'. Hence, the revision.

4. The very purpose of cross-examination of the witness is to elicit the truth. If no opportunity is given to the petitioners to cross-examine PW.1, it may not be possible for them to substantiate the stand taken by them in the written statement. Even if one more opportunity is given to the petitioners, no prejudice will be caused to the respondent. The trial Court simply dismissed the petition on the ground that the petitioners have cross-examined PW.1 at length. Cross-examination of the witness at length that itself is not a valid ground to close the cross-examination.

5. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is a fit case to allow the revision petition.

6. In the result, the Civil Revision Petition is allowed setting aside the order dated 30.08.2017 passed in I.A.No.266 of 2017. Consequently, I.A.No.266 of 2017 in O.S.No.1000 of 2014 on the file of the Court of the I Additional Senior Civil Judge, Kakinada, is allowed, permitting the petitioners to cross-examine PW.1. The petitioners are hereby directed to complete the cross-examination of PW.1 on the day fixed by the trial Court. If the petitioners fail to cross-examine PW.1 on the day fixed, the trial Court is at liberty to proceed further in accordance with law. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

**T.SUNIL CHOWDARY, J**

Date: 13.07.2018  
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