

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3422 OF 2017

ORDER:

The present Civil Revision Petition under Article 227 of the Constitution of India is filed questioning the order dated 12.04.2017 in I.A. No.154 of 2017 in O.S. No.82 of 2002 passed by the Senior Civil Judge, Amalapuram, whereby the petition filed by the 1st respondent, was allowed recalling DW.2 for further cross examination by learned counsel for the 1st respondent by 18.04.2017 without seeking any further adjournment.

The petitioners though raised several grounds before this Court in the revision petition, at the time of arguments, learned counsel for the petitioners submitted that DW.2-Kappagantula Suryaprakasha Rao expired on 20.10.2018 and hence, question of recalling DW.1, does not arise and requested to record the same and pass appropriate order.

During pendency of the petition DW2 was not recalled and cross examined. DW.2 expired on 20.10.2018. Due to death of the witness, the impugned order cannot be varied or set aside. However, the evidence of DW2 shall be considered by the Court below at the time of pronouncement of judgment appropriately in accordance with law.

With the above direction the civil revision petition is disposed of recording death of DW.2. No costs.

Consequently, Miscellaneous Petitions, if any, pending in the present Civil Revision Petition stand closed.

M. SATYANARAYANA MURTHY, J

October 30, 2018
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