THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.R.P.No.2201 of 2018

ORDER:

This revision petition is filed under Article 227 of the Constitution of India assailing the orders dated 01.02.2018 passed in I.A.No.221 of 2017 in O.S.No.139 of 2008 on the file of Junior Civil Judge Court, at Jadcherla.

2. Heard the learned counsel appearing for both the parties and perused the material on record.

3. A perusal of the record reveals that the petitioner filed O.S.No.139 of 2008 on the file of Junior Civil Judge Court, at Jadcherla, against the respondents for declaration and recovery of possession of the suit schedule property. After completion of the petitioner's side evidence, the chief-examination affidavits of D.Ws.1 and 2 were filed. For one reason or other, the petitioner did not choose to cross-examine D.Ws.1 and 2. After completion of the respondents' side evidence, the matter was posted for arguments. At that stage, the petitioner filed the present petition to reopen the suit for the purpose of cross-examination of D.Ws.1 and 2. The trial Court dismissed the petition. Hence, the revision.

4. The point that arises for consideration is:

"Whether there is any illegality, irregularity or impropriety in the impugned order?"

5. A perusal of the record reveals that for one reason or other, the petitioner has taken number of adjournments for cross-examination of D.Ws.1 and 2. The very purpose of cross-

examination of witness is only to ascertain the truth. Without cross-examining D.Ws.1 and 2, it may not be possible for the petitioner to establish his stand. If the petition is dismissed, it may not be possible for the petitioner to substantiate his stand. Even if the petition is allowed, the same may not cause any prejudice to the respondents.

6. Taking into consideration the facts and circumstances of the case, this Court is of a considered view that it is a fit case to reopen the matter on some conditions.

7. In the result, the Civil Revision Petition is allowed setting aside the order dated 01.02.2018 passed in I.A.No.221 of 2017 in O.S.No.139 of 2008 on the file of Junior Civil Judge Court, at Jadcherla. Consequently, I.A.No.221 of 2017 in O.S.No.139 of 2008 is allowed on payment of costs of Rs.3000/-(Rupees three thousand only) by the petitioner to the respondents. The petitioner is permitted to cross-examine D.Ws.1 and 2 within the time as fixed by the trial Court. If the petitioner fails to cross-examine D.Ws.1 and 2 within the time stipulated by the trial Court, the trial Court is at liberty to proceed in accordance with law. The trial Court is hereby directed to dispose of the suit within two months from the date of receipt of copy of this order. There is no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.SUNIL CHOWDARY, J

Dt:05.12.2018
Rns

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते