

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA
CIVIL REVISION PETITION Nos.2228 AND 2246 of 2018

COMMON ORDER:

The challenge in CRP.No.2228 of 2018 is to the order, dated 16.03.2018, in I.A.No.224 of 2018 in O.S.No.1897 of 2008 on the file of the I-Senior Civil Judge, City Civil Court, Hyderabad, whereas CRP.No.2246 of 2018 is filed against the order, dated 16.03.2018, in I.A.No.223 of 2018 in the very same suit.

Heard Sri Syed Yasar Mamoon, learned counsel for the revision petitioner in both the petitions.

I.A.No.224 of 2018 was filed under Order XVIII Rule 17 of CPC seeking to recall RW4 (court witness) in the suit for the purpose of further examination.

I.A.No.223 of 2018 was filed under Section 151 of CPC seeking to re-open the defendants' evidence in order to recall RW4 (court witness) in the suit for further examination.

By common order, dated 16.03.2018, the request made in both the I.As., was negatived on the main ground that the petitioner – defendant No.1, who has made interlocutory applications, did not disclose any specific reasons as to on what aspects DW.4 (who is wrongly described as a court witness as RW.4) has to be again re-examined on his behalf without even joining the other defendants as the petitioners.

Learned counsel for the revision petitioner has drawn the attention of this Court to the averments mentioned in the affidavits filed in support of the aforesaid I.As.

In paragraph '5' of the said affidavits, which are on same lines, it is stated that several questions regarding the investment of lakhs of Rupees have not been put to the court witness and PW.1. In fact, the court witness, which the petitioner refers to, is DW.4, but not RW.4. However, in paragraph '7' of the said affidavits, the court witness was described as RW.4. Further, in paragraph '6' of the affidavits, the petitioner said that he cannot disclose the said questions, as the same will alert the witness and will give an opportunity to opposite party to win over the witness or tutor him. Such a ground is absolutely baseless. In case he is going to favour the opposite party, nothing prevents him under the relevant provisions of the Evidence Act to treat the witness hostile and to put questions to him with the permission of the Court. Therefore, the request made in both the petitions is bereft of relevant particulars. Mere ground that RW.4 was recently cross-examined cannot favour the petitioner to accord the reliefs sought for by him, that too where the suit is of the year 2008. Certainly, the request sought for by the petitioner cannot be acceded to, as there is no material irregularity in the orders under challenge. There is no merit in the present revisions.

Hence, the Civil Revision Petitions are dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending in the present petitions, stand closed.

A. SHANKAR NARAYANA, J

10.04.2018

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