

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.2476 OF 2018

ORDER:

The challenge at the C.R.P. at the instance of the petitioners/defendants 9 to 12 is the order dated 21.03.2018 in I.A.No.147 of 2018 in O.S.No.90 of 2006 passed by learned Principal Junior Civil Judge, Devarakonda, dismissing the petition filed by the petitioners/defendants to recall P.W.2 for cross-examination.

2. Heard both sides and perused the impugned order.
3. P.W.2 in his chief affidavit deposed as if he knows the relationship between plaintiffs and defendants 1 to 7. He also deposed as if he knows the suit schedule properties and their nature i.e., they are ancestral properties of the plaintiffs/defendants 1 to 7, which they inherited from Late Juvuluru Mallaiah and all those properties are the undivided Hindu Family Ancestral Properties. He further deposed as if how much share defendants 1 to 7 got in those ancestral properties and other facts.
4. This Court is of the considered view that since the evidence of P.W.2 is an important one as he speaks about the family affairs and the properties of plaintiffs and defendants, non-examination of the said witness will cause any amount of prejudice to the case of defendants. Therefore, an

opportunity should be granted to them for cross-examination, of course on terms.

5. In the result, this civil revision petition is allowed, setting aside the impugned order in I.A.No.147 of 2018 in O.S.No.90 of 2006, passed by Principal Junior Civil Judge, Devarakonda, on payment of costs of Rs.1000/- by the petitioners to the respondents/plaintiffs, on or before 31.07.2018. The trial court shall fix a date for cross-examination of P.W.2, on which date, the petitioners/defendants 9 to 12 shall cross-examine P.W.2 on the same day without fail.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

19.07.2018
SS

U.DURGA PRASAD RAO, J