

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.3986 OF 2018

ORDER:

This civil revision petition is filed under Article 227 of Constitution of India challenging the order dated 02.04.2018 passed in I.A.No.92 of 2018 in O.S.No.30 of 2011 by the Junior Civil Judge, Railway Kodur, whereby the petition filed under Order XVIII Rule 17 of Code of Civil Procedure (for short "C.P.C.") to recall P.Ws.1 to 3 for cross-examination, was dismissed.

The petitioners herein are the defendants in the main suit and they filed the petition under Order XVIII Rule 17 of C.P.C. to recall P.Ws.1 to 3 for cross-examination on the ground that their counsel has not cross-examined P.Ws.1 to 3 due to pendency of transfer of petition. However, the Court below dismissed the petition assigning its own reasons.

Aggrieved by the dismissal of the petition, the present revision petition is filed.

During hearing, Sri Balaji Medamalli, learned counsel for the petitioners reiterated the contentions urged in the petition and requested to allow the petition.

Sri M.S.P. Kama Raju, learned counsel for the respondent while conceding for recall of P.Ws.1 to 3 pointed out that the affidavits under Order XVIII Rule 4 of C.P.C. in lieu of examination-in-chief of P.Ws.4 and 5 are filed, but no steps were taken till date and sought for direction to the Junior Civil Judge to dispose of the main suit as early as possible as it is a suit of 2011.

In view of the request of the learned counsel for the petitioners and concession of learned counsel for the respondent, P.Ws.1 to 3 are permitted to be recalled by fixing specific date, for cross-examination, by the trial Court. In the event, learned counsel for the petitioners failed to cross-examine the witnesses on their recall, on the date fixed, the trial Court may pass appropriate orders, in accordance with law. If, for any reason, the witnesses are absent on their recall, the Court shall adjourn the suit for cross-examination of witnesses. The trial Court is also directed to dispose of the suit in accordance with law within three (3) months from the date of receipt of a copy of this Order.

With the above direction, the civil revision petition is disposed of. No costs.

Consequently, miscellaneous applications pending if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

31.08.2018

Note:

Issue C.C. by 04.09.2018.

B/o
Ksp