

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION Nos.4624 AND 4637 OF 2018

COMMON ORDER:

These two revision petitions have been preferred, under Article 227 of the Constitution of India, against the order of the Commercial Court for trial and disposal of Commercial disputes in I.A. No.253 of 2018 in COS No.246 of 2017 and SR No.2193 of 2018 in COS No.246 of 2018 dated 02.05.2018. While the petitioner in CRP No.4624 of 2018 is the 6th respondent in the I.A, the petitioner in CRP No.4637 of 2018 is the 2nd respondent before the Court below. They are both aggrieved by the order passed by the Court below dated 02.05.2018 directing that plaintiffs 2 to 4, defendants 2 and plaintiff No.5 (D-3) should first cross-examine P.W-1, and thereafter the 1st defendant should cross-examine P.W-1. The petitioners' claim that the 1st defendant should first cross-examine P.W-1 before the respondents are called upon to do so.

Sri T.V. Rajeevan, Learned Counsel for the petitioners', is however unable to show any provision in the code of civil procedure, or any other procedural provision which requires a particular order to be followed in cross-examining witnesses. Nor has he been able to show how substantial injustice has been caused by the order passed by the Court below prescribing a particular order in which witnesses should be cross-examined. The jurisdiction which this Court exercises, under Article 227 of the Constitution of India, is supervisory and not appellate; and save cases where the order under revision suffers from a patent error, no interference is called for. I do not find any such infirmity

in the order passed by the Court below. The Civil Revision Petitions fail and are, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, J

Date: 24.08.2018
MRKR

