

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**  
**CIVIL REVISION PETITON No.4931 of 2018**

**ORDER:**

This revision is filed against the order dated 29-06-2018 passed in I.A.No.151 of 2018 in O.S.No.59 of 2011, wherein and whereby the application filed by defendants 6 and 7 under Order 16 Rules 1 and 2 was allowed.

Learned counsel for the petitioners submits that advocate can be examined as Court witness only after evidence of defendants is over, but the trial Court without considering the said aspect allowed the application while evidence of parties is going on. He also submits that when the petitioners are denying that notice was got issued by said advocate, the question of allowing the said application does not arise.

On the other hand, learned counsel appearing for respondents/defendants 6 and 7 submits that after completion of defendants evidence, the respondents filed application before the Court below and examination-in-chief affidavit of advocate is also filed and it is coming for cross-examination. The said aspect could not be disputed. Learned counsel however states that defendants may be granted permission to cross-examine the advocate on that issue.

In this case, it is to be seen that the fact that the evidence of defendants is closed could not be disputed by learned counsel for the petitioners. It is stated that chief examination affidavit of advocate is also filed. It goes without saying that

the petitioners have right to cross-examine the advocate, if he is examined in chief as Court witness.

With the above observations, the revision is disposed of. As a sequel to the disposal of this revision, miscellaneous applications, if any, pending shall stand closed.

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**A.RAJASHEKER REDDY,J**

26-11-2018  
Nvl



