

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.C. No.2653 of 2018

AND

C.C.No.2656 OF 2018

COMMON ORDER:

These contempt cases are filed for disobedience of orders dated 09.09.2016 passed by this Court in C.R.P.Nos.3460 and 3279 of 2016.

This Court while disposing of C.R.P.Nos.3460 and 3279 of 2016 permitted the petitioner to cross examine the witness produced by the plaintiff subject to limitations contained under Section 146 of the Indian Evidence Act and Sections 149, 150 and 151 of the Indian Evidence Act and issued a direction to the parties not to put any leading question to the witness to establish the defence of the defendant.

It is the contention of the party-in-person that despite the direction issued by this Court, in utter disobedience, certain leading questions were put to the petitioner himself and he pointed out the questions put to him in the cross examination at various parts and the same is extracted hereunder:

"It is not true to suggest that the amendments carried out by me to the various paragraphs and cause of action in the plaint are my self creation and therefore, I have not mentioned the names of fellow cable T.V. operators whom I referred in para No.15(A) of my plaint. It is not true to suggest that the payments set out in para Nos.3(A), 3(B) and 10(A) have nothing to do with the suit claim. It is not true to suggest that since the payment of Rs.50,000/- was not received by me towards part consideration and I have not deducted the same from the balance consideration amount of Rs.5.00 lakhs in para No.13 of my plaint. It is not true to suggest that the Clause No.5.5., Clause No.8 and Clause No.10 impugned by me in the plaint are nothing to do with the suit claim. ...

It is not true to suggest that inspite of business transfer under Clause No.5.2 by me to the defendant, I am still under obligation to perform the conditions mentioned in Clause Nos.5.1(c) and 5.1(d).

It is not true to suggest that the Invoices marked under Ex.A.34 to Ex.A.41 are nothing to do with the suit claim. It is not true to suggest that all the amendments which were carried out by me are time barred and are an after thought."

No doubt certain suggestions were put to the witness directly disputing the certain transactions. The suggestion cannot be said to be a leading question, which is nothing but denial of the case. Section 141 of the Evidence Act defined the leading question. According to it, any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question. Therefore, I find that there is no disobedience of orders passed by this Court and no such contempt is maintainable against such cross examination and consequently, the contempt cases fails.

In the result, the civil revision petitions are dismissed. No costs.

Miscellaneous Petitions, if any, pending shall stand closed.

M. SATYANARAYANA MURTHY, J

23.11.2018
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