

THE HON'BLE SRI JUSTICE S.V.BHATT
CIVIL REVISION PETITION No.679 of 2015

ORDER:

Heard Mr.V.Ravi Kiran Rao for petitioner and Mr.P.V.Narayana Rao for respondents.

The plaintiff is the revision petitioner. On 07.11.2013, the chief evidence affidavit of PW.7 (Kamireddy Govinda Reddy) was prepared and filed in the Court. On 24.12.2014, PW.7 was cross-examined by the defendants. The plaintiff cross-examined PW.7. In view of trend of cross-examination and a few statements made by PW.7, which, according to revision petitioner, are contrary or inconsistent with the stand taken in the chief evidence affidavit and rythu pass book is produced by the defendants for the first time, the revision petitioner seeks issuing summons to PW.7. Therefore, the petitioner filed I.A.No.337 of 2014.

The learned trial Judge, for the following reasons,

7. The witness P.W.7 is at first produced by the petitioner/plaintiff by filing his chief affidavit. During the course of cross examination by the respondents/defendants, the Rythu pass book was shown to him suggesting that it was issued by him for which he admitted. On that ground the petitioner/plaintiff obtained permission to declare the said witness as hostile as supporting the case of the defendants in cross examination. After obtaining permission, he also cross examined the said witness. Now the petitioner intending to cross examine the said witness for further cross examination alleging the witness was managed by the respondents/defendants and thereby admitted the documents,

he could not examine the said document and thereby the witness to be recalled. In that regard another petition was also filed to recall P.W.7 for further cross-examination, but the same is dismissed.

8. When the witness P.W.7 to whom the petitioner now seeking to issue summons was produced earlier without seeking any summons and further as already the petition to recall him for further cross examination is dismissed, the question of again issuing summons to the said witness does not arise. Hence for the above reasons discussed, I am of the view that the petitioner is not entitled for the relief as prayed for.”.

dismissed the application.

I have perused the record. Prima facie, I am of the view that the order under revision does not warrant interference of this Court under Article 227 of the Constitution of India.

The Civil Revision Petition fails and is accordingly dismissed.

Learned Additional Senior Civil Judge, Karimnagar, considers and disposes of O.S.No.199 of 2004 as expeditiously as possible, preferably within six weeks from the date of receipt of a copy of this order.

The suit since is of the year 2004, the trial Court considers taking up trial of suit on day-to-day basis. The parties, if do not co-operate in conducting trial, the trial Court is given liberty to record reasons and proceed in accordance with law.

Miscellaneous petitions, if any, pending, shall stand closed. No order as to costs.

S. V. BHATT, J

Dt: 28-08-2018
Prv

