

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.6450 and 6465 of 2018

COMMON ORDER :

The learned counsel for the respondent/ plaintiff served as per the track record filed with no representation.

The perusal of the docket order of the learned Junior Civil judge, Anantapur, dt.29.06.2018 in I.A.No.381 of 2018 and 382 of 2018 respectively in O.S.No.748 of 2008 allowed for recall of D.W.1 for his further examination. It is for the reason having filed his chief examination he did not turn up to face cross-examination thereby treated with no value now sought for revival and the same was allowed subject to costs of Rs.300/- in each petition by 09.07.2018 and the compliance not made.

This Court wayback in 1969 clearly observed on the scope of Section 148 CPC even time expired and time sought for extension, if any just reason, it can be extended. In this regard, the expression of the 3 Judge Bench in Salem Advocate Bar Association Vs. Union of India¹ is also clear in this regard of Court got power to extend either under Section 148 upto 30 days and even beyond that for any specific provision invoking Section 151 CPC.

In the result, the revisions are allowed. Besides payment to the learned counsel for the plaintiff the said Rs.300/- each as directed in the order of the lower Court dt.29.06.2018 and to pay each of the petitions Rs. 1000/- towards Army Welfare Fund and file proof within one week from today before the lower Court to permit by virtue of this order D.W.1's evidence in chief already closed by revival by cross-examination subject to his presence on the day being fixed by the Court and in the absence of any compliance the order of the lower Court holds good in

¹ 2005 6 SCC 344

both the matters. Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:23.11.2018
b/ o.vvr

Dr. B. SIVA SANKARA RAO, J

