

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.6786 & 6618 OF 2018

COMMON ORDER:

These two Civil Revision Petitions are filed by the petitioners, who are plaintiffs in O.S.No.84 of 2009, aggrieved by the common order dated 07.09.2018 passed in I.A.Nos.235 and 236 of 2018 in O.S.No.84 of 2009 on the file of the VIII Additional District Judge at Medak, whereby the applications filed by the petitioners to reopen the suit to recall D.Ws.2 and 5 and allow the petitioners/plaintiffs to cross examine them were dismissed.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the record.

3. The suit is filed for declaration of title and recovery of possession. It is at the stage of arguments.

4. A perusal of the impugned common order discloses that several opportunities were given to the petitioners to cross-examine D.Ws.2 and 5, but for some reason or the other, they were not cross-examined. In view of the submissions made in the interest of justice and to come to a just decision, an opportunity is required to be given to the petitioners/plaintiffs to cross-examine D.Ws.2 and 5 on some conditions. If such an opportunity is not given, their substantial rights would be affected.

5. Therefore, the Civil Revision Petitions are allowed setting aside the impugned common order permitting the petitioners/plaintiffs to cross-examine D.Ws.2 and 5 on 21.12.2018 subject to the condition that the petitioners paying costs of Rs.1,000/- to the said witnesses for their transportation, etc., on that day itself, before commencement of cross-examination. It is made clear that no extension of time would be granted in favour of the petitioners/plaintiffs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date : 14.12.2018
ssp

