

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition Nos.5838 and 5842 of 2017

COMMON ORDER :

The revision petitioners 1 and 2 are the defendants and the revision respondent is the plaintiff in O.S.No.290 of 2012 on the file of the learned Addl.Senior Civil Judge, Ongole. In the suit, the 2nd defendant was examined as D.W.1 and Exs.B.1 to B.7 were marked. The plaintiff was examined as P.W.1. They sought for recall of P.W.1 saying in the course of cross-examination of P.W.1 by the learned counsel for D.2, since she was sick and bed-ridden, she could not hand over the documents Exs.B.1 to B.7 and with reference to which there was no any cross-examination of P.W.1 which is the only reason seeking for recall of P.W.1 to confront him with the documents.

The party who wants to rely on any documents must file at or before settlement of issues if not with pleadings and there is no explanation for it for not filing same in the Court and had it been available, that could be used in the cross-examination. What Order VIII Rule 1-A and what Order VII Rule 14 CPC from clause-4 speak is there is no need of filing of a petition if at all to confront the documents in the cross-examination of opposite party, which is only an exception that does not mean a party who wants to rely on the documents has to withhold till such time. However, the fact remains that the limited prayer in the two applications is only to confront with Exs.B.1 to B.7 in further cross-examination of P.W.1 and nothing beyond.

Having regard to the above and to subserve the ends of justice, both the revision petitions are allowed by setting aside both the orders dt.03.10.2017 in I.A.No.432 and 433 of 2017, by permitting further cross-

examination of P.W.1 by defendants only with reference to Exs.B.1 to B.7 and within one week from the date of receipt of the order subject to costs of Rs.5,000/- payable to the plaintiff-P.W.1 before lower Court. Any non-compliance results in dismissal of the revisions without further reference to the Court. The trial court subject to above compliance has to reopen the case and only after recording said evidence, hear further arguments if any and pronounce judgment on merits as early as possible.

Consequently, miscellaneous petitions, if any, pending in these Revisions shall stand closed.

Date:05.03.2018

Note: Issue copy forthwith.
b/o. vvr

Dr. B.SIVA SANKARA RAO J,

