

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Revision Petition No.6147 of 2017

ORDER:

Heard Sri V. Jagapathi, learned counsel for the petitioners/defendants 2 to 9, and Sri K. Maheswara Rao, learned counsel for the respondents.

2. Originally, the suit was filed by respondents 1 and 2/ plaintiffs, against the sole defendant. According to the arguments advanced by both sides, Defendant Nos.2 to 9 were impleaded by the plaintiffs-respondents 1 and 2 herein. When defendant Nos.2 to 9 made a request to recall P.Ws.1 to 3 and to afford a chance to cross-examine them since they filed written statement on 13.6.2017, the Court below on 24.7.2017 passed the following Docket Order:

“R-3 reported no counter. Heard both sides. Perused the petition, affidavit and the record. As the petitioner purchased the property from D.1 and as D.1 is contesting the suit and as he has already cross examined P.Ws.1 to 3 at length and as the petitioner will not get a better right/title than his vendor. I do not see any merits in the petition, more so, the petitioner did not take any specific plea in the written statement. Hence, the petition is dismissed as devoid of lack of merits.”

Thus, the Court below did not afford a chance to defendant Nos.2 to 9 to cross-examine P.Ws.1 to 3.

3. Learned counsel for the petitioners, Sri V. Jagapathi, would submit that in fact the application in I.A. No.909 of 2017 was filed requesting not only to cross-examine P.Ws.1 to 3 but also to

recall D.W.1 and afford them a chance to cross-examine him and he has also drawn the attention to the request made in the petition.

4. Learned counsel for the respondents, Sri K. Maheswara Rao, would not dispute the request made by the petitioners herein in I.A. No.909 of 2017. But, his only submission is that the suit reached the stage of arguments and since Defendant Nos.2 to 9 are the purchasers from Defendant No.1, there is no need to cross-examine D.W.1 or P.Ws.1 to 3.

5. Be that as it may, though the suit reached the stage of arguments, but still, since defendants 4 to 9 were impleaded at the instance of plaintiffs, certainly, a chance has to be given to cross-examine P.Ws.1 to 3 for the reason by the time when they were impleaded, P.Ws.1 to 3 were already cross-examined, and, therefore, the present Civil Revision Petition is to be allowed.

6. Accordingly, the present Civil Revision Petition is allowed directing the Court below to give a chance to the revision petitioners/defendant Nos.2 to 9 to cross-examine P.Ws.1 to 3 and D.W.1. Since the suit relates to the year 2007, the trial Court is directed to dispose of the suit as expeditiously as possible not later than three (3) months from the date of receipt of a copy of the order. Both parties are hereby directed to cooperate with Court so as to comply with the direction given herein. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the present Civil Revision Petitions shall stand closed.

A.SHANKAR NARAYANA

Dt. 16.04.2018

Note:- CC by 18.04.2018.

(B/O)

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