

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP No.6947 of 2017

ORDER::

This civil revision petition is filed aggrieved by the order dated 27-11-2017 passed in IA No.1343 of 2017 in OS No.376 of 2009 by the Principal Senior Civil Judge, Kovvur. By the impugned order, the Court below allowed the application filed by the plaintiff-1st respondent herein seeking to summon 2nd defendant to examine him as witness in the case. The said interlocutory application was opposed by the revision petitioner, who is 1st defendant in the suit, on the ground that defendants 2 to 10 remained *ex-parte* and, therefore, the plaintiff cannot compel the 2nd defendant to be examined as witness in the case. However, the Court below rejecting such an objection allowed the application. Hence, this civil revision petition.

2. Heard the learned counsel for the petitioner. Perused the impugned order. It is to be seen that the Court below having regard considered the averment made by the plaintiff-1st respondent herein that he purchased the suit property from defendants 2 to 10 and that he passed on the sale consideration through defendant no.2, it was open for the plaintiff to seek such a relief to prove his case. The Court below having found that there is no legal embargo to recall a party who remained *ex parte* as a witness in the case and by relying on judgement of this Court in ***M.HYMAVATHI vs. M. KOTESWARA RAO*** (2006 (5) ALT 595), allowed the application.

3. In the circumstances, I do not see any illegality or irregularity in the impugned order passed by the Court below warranting interference by this Court. The civil revision petition fails and it is accordingly dismissed. Miscellaneous petitions, if any pending shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

Dated: 05-01-2018
NRG



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



CRP No.6947 of 2017

//WEB//

Dated: 05-01-2018

NRG