

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.276 OF 2019

O R D E R:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed against the order dated 04.01.2019 passed by the IV Senior Civil Judge, City Civil Court, Hyderabad, in I.A.No.532 of 2018 in O.S.No.613 of 2016, wherein and whereby the application filed under Order XVIII Rule 17 r/w Section 151 C.P.C was dismissed.

Learned counsel for the petitioner submits that the petitioner was confronted with certain documents in the cross examination; that as there is ambiguity in the said documents and version of P.W.1 regarding his financial capacity, the present Interlocutory Application was filed for recalling P.W.1 for further cross examination and that the Court below, without considering the material in proper perspective, erroneously dismissed the Interlocutory Application, and therefore, he prayed to set aside the impugned order.

A perusal of the record discloses that after the cross examination of P.W.1, D.W.1 was examined in chief and cross examined. At that stage, the present Interlocutory Application was filed. The only ground raised to recall P.W.1 for further cross examination was that by oversight the counsel could not cross examine P.W.1 with regard to his financial capacity. The Court below, having found that D.W.1 in her cross examination admitted about the execution of Ex.A.2-promissory note, rightly held that this application was filed only to fill up lacunae in the evidence of D.W.1, and dismissed the Interlocutory Application.

In view of the same, I see no infirmity in the impugned order warranting interference by this Court under Article 227 of the Constitution of India.

The Civil Revision Petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

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A. RAJASHEKER REDDY, J

Date: 14.02.2019

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