

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION Nos.1005 and 1025 of 2019

COMMON ORDER :

These two Revisions arise out of the same suit between the same parties and so they are being disposed of by this common order.

2. Petitioners are defendants in O.S.No.2075 of 2015 on the file of the Principal Senior Civil Judge, Ranga Reddy District at L.B. Nagar, Hyderabad filed by respondents against them for eviction from the suit schedule property, damages and mesne profits apart from recovery of rents.

3. After trial commenced, chief-examination of P.W.1 was done on 27-04-2016, but the petitioners did not cross-examine him on that date. Later they filed I.A.No.949 of 2016, P.W.1 was recalled and then cross-examined. Later respondents marked two documents on 11-12-2018, but the petitioners did not cross-examine P.W.1. On payment of costs, the matter was posted to 14-12-2018 and later to 21-12-2018, 31-12-2018 and 04-01-2019, but the petitioners were not present and did not cross-examine P.W.1. Therefore the cross-examination of P.W.1 was closed.

4. Petitioners then filed I.A.No.155 of 2019 to reopen the evidence of P.W.1 for the purpose of further cross-examination of P.W.1 and I.A.No.156 of 2019 to recall P.W.1 for the purpose of further cross-examination.

5. In the affidavit filed in support of these applications, it is stated that cross-examination of P.W.1 was closed since petitioner went to Uttarakhand State, which was his native place, to attend his grand mother who fell ill and so could not instruct his counsel to cross-examine P.W.1.

6. It has to be noted that the application was filed by 4 defendants consisting of two firms and two individuals. Assuming that Vikram Singh, 1st petitioner had to attend his grand mother at Uttarakhand State, nothing prevented the other individual Gabbar Singh to speak to the counsel, instruct the counsel and make the counsel to cross-examine P.W.1 particularly when 5 opportunities were given on 11-12-2018, 14-12-2018, 21-12-2018, 31-12-2018 and 04-01-2019. In any event, it is for the counsel for petitioners to cross-examine P.W.1 and the petitioners could as well communicate with their counsel through a landline telephone or mobile phone and give whatever instructions the counsel requires. When the petitioners failed to avail 5 opportunities to cross-examine P.W.1, they do not deserve any indulgence from this Court.

7. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court in exercise of its power under Article 227 of the Constitution of India.

8. Therefore, I do not find any merit in these Revision and they are accordingly dismissed. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-04-2019

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