

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.1835 & 1849 OF 2018

COMMON ORDER:

These revision petitions, under Article 227 of the Constitution of India, are filed by the petitioners aggrieved by the separate orders dated 19.02.2018 passed in I.A.Nos.115 and 116 of 2018 in O.S.No.867 of 2007 respectively by the learned III Additional District Judge, Ranga Reddy District at L.B. Nagar, whereby the applications to recall and to conduct cross-examination of P.W.2 and P.W.3, were dismissed.

2. In spite of service of notice and material papers to the respondents, there is no representation on their behalf.

3. Heard learned counsel for the revision petitioners and perused the record.

4. In the course of submissions, it is brought to the notice of this Court that the respondents did not file counter in I.A.No.115 of 2018. The aforesaid suit was filed for partition and separate possession. The material placed on record reveals that P.W.2 and P.W.3 are the legal representatives of P.W.1. They are material witnesses. Due to ill-health of the revision petitioners, they have not cross-examined P.W.2 and P.W.3. The record also reveals that the subject I.As. were filed on 07.02.2018 to set aside the order dated 24.01.2018, to recall P.W.2 and P.W.3 and to permit to cross-examine P.W.2 and P.W.3. However, the Court below was pleased to dismiss the said I.As. *vide* impugned orders dated 19.02.2018. The cross-examination of P.W.2 and P.W.3 is necessary for just and complete adjudication of the subject matter

of the suit. There are no grave laches on the part of the revision petitioners/defendant Nos.6 and 7 in disallowing their applications.

5. Under these circumstances, the impugned orders dated 19.02.2018 passed in I.A.Nos.115 and 116 of 2018 in O.S.No.867 of 2007 by the learned III Additional District Judge, Ranga Reddy District at L.B. Nagar, are set aside and the Court below shall allow the revision petitioners to cross-examine P.W.2 and P.W.3 and terminate the proceedings of the suit in accordance with law. The revision petitioners shall complete the cross-examination within 15 days from the date of receipt of a copy of this order.

6. With the above direction, the Civil Revision Petitions are disposed of. No order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 25.10.2019
ssp

Dr. SHAMEEM AKTHER, J