

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1354 of 2019

ORDER :

This Revision is filed challenging the order dt.03-06-2019 passed by the Court below in O.S.No.42 of 2014 limiting the cross-examination of D.W.3 by the petitioners, who are defendant Nos.5 and 6.

2. Admittedly, there was an order passed by this Court on 14-03-2019 in C.R.P.No.5525 of 2015 permitting recall of D.W.3 for marking some documents which were not mentioned in the chief-examination affidavit of D.W.3 and while doing so and permitting D.W.3 to be recalled and to mark said documents in his evidence, the plaintiffs as well as defendant Nos.2 to 6 were given opportunity to cross-examine D.W.3 with regard to the said documents.

3. On 03-06-2019, the Court below observed:

“The learned counsel for D5 and D6 requested the Court to permit him to cross examine the witness pertaining to the points raised in the cross-examination of the witness by the counsel for plaintiffs. The counsel is permitted but the counsel has taken advantage of the points raised in the cross-examination done by the counsel for plaintiff has been asking questions in length pertaining to the suit O.S.No.13/2018 which is filed subsequent to this suit. Since D.W.3 is recalled as per the directions of the Hon’ble High Court in C.R.P.No.5525/2015 only to mark the document Ex.B26 and the other side shall be given liberty to cross examine D.W.3 to that extent. Therefore the learned counsel is further directed to limit his cross examination as the

witness is re-called only to face cross-examination to the extent of Ex.B26 as the witness is already cross examined by the same counsel for D5 and D6 at length in 10 pages.

At this juncture the learned counsel for D5 and D6 requested time to cross-examine the witness after working out the remedies available against the direction of the court to limit the cross-examination.”

4. Having regard to the order dt.14-03-2019 in C.R.P.No.5525 of 2015, I do not think that the Court below has committed any error in restricting the cross-examination by defendant Nos.5 and 6 to the documents which D.W.3 was allowed to mark pursuant to the said order, more particularly when the witness had already been cross-examined by the counsel for defendant Nos.5 and 6 at length in 10 pages.

5. Accordingly, the Civil Revision Petition fails and it is dismissed at the admission stage. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 14-06-2019

Vsv