

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1710 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, aggrieved by the order, dated 19.06.2019, passed in I.A.No.676 of 2018 in O.S.No.23 of 2003 by the learned Principal Senior Civil Judge, Warangal, whereby, the application filed by the respondent Nos.1 and 2 herein/defendant Nos.1 and 2, under Order XVIII Rule 17 CPC, seeking to recall P.Ws.1 and 2 for further cross-examination, was allowed.

2. Heard learned counsel for the revision petitioner/plaintiff, learned counsel for respondent Nos.1 and 2 and perused the record.

3. Learned counsel for the revision petitioner/plaintiff would submit that the evidence of the respondents/defendants be first let in and thereafter, the subject documents can be confronted with P.Ws.1 and 2, who are the plaintiff and the GPA holder of the plaintiff respectively.

4. On the other hand, learned counsel for the respondents 1 and 2 herein/defendants 1 and 2 would submit that the Court below is justified in passing the impugned order and there is nothing to interfere with the same and ultimately prayed to dismiss the revision petition.

5. As seen from the material placed on record, the respondents 1 and 2/defendants 1 and 2 intend to confront the certified copy of the sale deed with P.Ws.1 and 2. It relates to alienation of the subject suit land. Whether the subject document is required to be confronted in the first instance or later, it will not make any difference. Since the

subject document proposed to be brought on record has relevance to the subject matter of the suit and since it was not available with the respondents 1 and 2 herein/defendants 1 and 2 as on the date of cross-examination of P.Ws.1 and 2, an opportunity must be given to the respondents 1 and 2/defendants 1 and 2, to confront the said document with P.Ws.1 and 2. The Court below had dealt with these aspects elaborately and allowed the application. The impugned order passed by the Court below is neither perverse nor illegal. Furthermore, the said document is necessary for just adjudication of the subject suit. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed. However, since the subject Original Suit is of the year 2003, the Court below is directed to dispose of the same in accordance with law, as expeditiously as possible, preferably within a period of three(03) months from the date of receipt of a copy of this order. Both parties are directed to cooperate for early disposal of the subject suit. No order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 19.11.2019
Ssp