

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CIVIL REVISION PETITION Nos.1749 and 1755 of 2019

COMMON ORDER:

Since the issue involved in these two Civil Revision Petitions is one and the same, they are being disposed of by this common order.

2. These two Civil Revision Petitions, under Article 227 of the Constitution of India, are filed by the petitioners/respondents 1, 3 and 4 aggrieved by the orders, dated 14.06.2019, passed in I.A.Nos.111 and 110 of 2019 in O.S.No.151 of 2010 by the Senior Civil Judge, Viakarabad, Ranga Reddy District.

3. Heard the learned counsel for the petitioners, learned counsel for the 1st respondent and perused the record.

4. The parties are hereinafter referred to as they are arrayed in I.A.No.111 of 2019.

4. The petitioner/plaintiff filed I.A.No.111 of 2019 under Order XVIII Rule 17 of C.P.C to recall D.W.1 for further cross-examination. Simultaneously, the petitioner filed I.A.No.110 of 2019 under Section 151 C.P.C. to reopen the case for further cross examination of D.W.1. The Court below allowed both the applications.

5. Learned counsel for the petitioners/respondents 1, 3 and 4 would submit that D.W.1 was already cross-examined twice and there is no necessity for further cross-examination of D.W.1.

The Court below erroneously allowed both the applications and ultimately, prayed to set aside the impugned orders.

6. On the other hand, learned counsel for the 1st respondent would submit that the Court below after considering evidence adduced by both parties, allowed both the applications and there are no grounds to set aside the same.

7. As seen from the record, there is no cross-examination with regard to Ex.A.8, dated 25.05.2018, issued by the Sub-Registrar, Tandur. Therefore, the further cross-examination of D.W.1 is necessary with regard to Ex.A.8. The Court below having assigned reasons, allowed both the applications. There is no infirmity or perversity in the orders passed by the Court. The Court below also did not exceed its jurisdiction in allowing the applications. Hence, both the civil revision petitions are devoid of merits and they are liable to be dismissed.

8. Accordingly, both the Civil Revision Petitions are dismissed. Miscellaneous petitions, if any, pending in these two civil revision petitions shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

13th November, 2019

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Date:13.11.2019

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