

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO.1886 OF 2019

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt. 16.07.2019 passed in I.A.No.235 of 2019 in O.S.No.2 of 2012 on the file of the I Additional District Judge, Karimnagar, refusing to recall P.W.1 for further cross examination on the ground that the previous advocate of the petitioner did not put questions regarding legal points to P.W.1.

It is not in dispute that P.W.1 was cross-examined at length on 11.09.2015 and thereafter, plaintiff examined other witnesses and the evidence of the petitioner/defendant No.2 was completed on 18.02.2019 and the case was posted for arguments.

The Supreme Court in **K. K. Velusamy v. N. Palanisamy**¹ has held that the power to recall any witness under Order XVIII Rule 17 of the Code of Civil Procedure, 1908, can be exercised by the Court either on its own motion or on an application filed by any of the parties to the suit requesting the Court to exercise the said power; that the said power is discretionary and should be used sparingly in appropriate cases to enable the Court to clarify any doubts it may have in regard to the evidence let in by the parties. It also observed that the said power is not intended to be used to fill up omissions in the evidence of a witness who has already been examined.

¹ (2011)11 SCC 275

The Court below correctly followed the said decision and dismissed I.A.No.235 of 2019 and the said order does not warrant any interference by this Court under Article 227 of the Constitution of India.

The Revision is, accordingly, dismissed.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand dismissed.

(M.S.RAMACHANDRA RAO, J)

14th August 2019
RRB

