

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.4551 of 2018

ORDER:

This Revision is filed assailing the order dt.11-07-2018 in I.A.No.277 of 2018 in O.S.No.108 of 2013 of the Senior Civil Judge at Sircilla.

2. Petitioners are defendants in suit.
3. They filed I.A.No.277 of 2018 in the suit under Order XVIII Rule 17 C.P.C. to recall P.W.2 for cross-examination. Their contention is that the suit document i.e. simple sale deed was not impounded as their counsel was engaged in another Court on 12-03-2018 and that they could not cross-examine P.W.2.
4. This application was opposed by respondent stating that after the chief-examination affidavit was filed by P.W.2, the matter had been listed twice, but P.W.2 was not cross-examined even after respondent represented that P.W.2 had to leave to Dubai for livelihood.
5. The Court below dismissed I.A.No.277 of 2018 on the ground that ample opportunity was given to the petitioners to cross-examine P.W.2 but they could not utilize it.
6. Assailing the same, this Revision is filed.
7. Though learned counsel for petitioners sought to contend that grave prejudice would be caused to the petitioners if such opportunity

is not given, I am unable to accede to the said contention. When the witness is living abroad and had appeared on three separate occasions to submit himself for cross-examination, the petitioners ought to have cross-examined the witness. They cannot compel the Court to reopen the evidence for their convenience and summon a witness, who is living in abroad.

8. Therefore, I see no error in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

9. According the Civil Revision Petition is dismissed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-01-2019
Vsv