

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.5015 OF 2015

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioner/defendant No.2 aggrieved by the order, dated 03.09.2015, passed in I.A.No.119 of 2015 in O.S.No.86 of 2006 by the XII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad, wherein the Court below has dismissed the subject Interlocutory Application filed by the revision petitioner/defendant No.2 seeking to take up the cross-examination of PW.1 – Sri Venkat Kishan Rao by the Court below itself by recalling the order, dated 03.08.2015, appointing an Advocate Commissioner to record cross-examination of PW.1.

2. Heard the learned counsel for both sides and perused the record.

3. Learned counsel for both sides argued for considerable time. Ultimately, Sri Challa Gunaranjan, learned counsel for respondent No.1/plaintiff No.1, would submit that in view of the advance age, poor health condition and loss of memory of PW.1- Sri Venkat Kishan Rao, respondent Nos.1 to 5/plaintiffs are not contemplating to rely on the evidence of PW.1- Sri Venkat Kishan Rao, and intend to get the other evidence on record. Therefore, nothing survives for adjudication in this revision petition.

4. Recording the said submission, the evidence of PW.1 – Sri Venkat Kishan Rao stands eschewed. Respondent Nos.1 to 5/plaintiffs are entitled to adduce evidence in accordance with the procedure established under law.

5. With the above observation, the Civil Revision Petition is disposed of.

6. Interim stay granted by this Court on 20.11.2015 and extended from time to time stands vacated.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

January 29, 2020.
MD

Dr. SHAMEEM AKTHER, J

