

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION Nos. 3016 AND 3021 OF 2022

Date:06.01.2023

IN C.R.P.No. 3016 OF 2022

Between:

Sri M Jaya Prakash Babu Reddy
S/o M Ram Reddy Aged about 51 years Occ Land Lord R/o
D183 II Floor Ayyappa Colony S R Nagar Yousufguda
Hyderabad.

.....Petitioner

And

Smt N Sunitha
W/o Sri M Jaya Prakash Babu Reddy Aged about 44 years Occ
Pvt Employee R/o H No 404 ABlock Chanakya Shelters / Alwal
Secunderabad 500010.

.....Respondent

The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION Nos. 3016 AND 3021 OF 2022

ORAL ORDER :

Heard learned counsel Sri. S.Nagesh Reddy for petitioner and learned counsel Smt.Indira for respondent.

2. These two revisions are preferred against the orders dated 14.12.2022 in I.A.Nos.935 of 2022 and 936 of 2022 in F.C.O.P.No.303 of 2016 passed by the I Additional Family Court, City Civil Court, at Hyderabad.

3. The petitioner herein filed I.A.No.935 of 2022 under Section 151 of the Code of Civil Procedure (for short 'CPC') praying to reopen the evidence of PW.1 in O.P.No.303 of 2016 for cross examination of petitioner / respondent. I.A.No.936 of 2022 was filed under Order XVIII Rule 17 of CPC praying to recall PW.1 in O.P.No.303 of 2016 for cross examination of petitioner / respondent and pass orders.

4. Both the applications were considered and by order dated 14.12.2022 both the applications were dismissed.

5. According to learned counsel for petitioner, petitioner was ready for cross examination as requested in both the applications but on that day as the counsel on record was not available, a request for adjournment to the next date was made but instead of granting adjournment, the applications were dismissed and unless petitioner is permitted to recall the witness and cross examine, grave prejudice would be caused to petitioner.

6. Learned counsel for the respondent, submits that even though the matters were coming up for long time, the petitioner never took an opportunity to cross examine and was only trying to drag on the matters. She further submits that on account of the delay caused in cross examination, severe hardship is caused to respondent.

7. In the interest of justice and for effective adjudication of the *inter se* dispute, this Court is of the view that petitioner be given the opportunity to reopen the evidence and recall PW.1 for the purpose of cross examination. Accordingly, the Civil Revision Petitions are disposed of. The trial Court is directed to reopen the evidence of PW.1 in O.P.No. 303 of 2016, recall the PW.1 and permit the petitioner to cross-examine PW.1.

8. However, since petitioner is responsible for the present consequences, petitioner shall pay costs of Rs.5,000/- to respondent.

9. Having regard to the fact that the case is of the year 2016, the trial Court is requested to take up the issue of cross examination on day to day basis, preferably in the afternoon session of the Court proceedings, complete the cross examination without further delay and also hear the F.C.O.P.No.303 of 2016 as expeditiously as possible. As requested by learned counsel for respondent, it is also open to respondent to file application for cross examination and if such an application is filed within two (2) weeks from the date of receipt of copy of this order, the same may be considered by the trial Court.

Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date: 06.01.2023
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