

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA
CIVIL REVISION PETITION Nos.3096, 3099, 3105 and
3108 OF 2022

COMMON ORDER:

All the four Civil Revision Petitions arise out of different orders rendered by the same Court i.e. the Court of I Additional District Judge, Karimnagar, however, in different Interlocutory Applications and suits.

2. C.R.P.No.3096 of 2022 is filed challenging the order that is rendered in I.A.No.683 of 2022 in O.S.No.202 of 2014; C.R.P.No.3099 of 2022 is filed challenging the order that is rendered in I.A.No.685 of 2022 in O.S.No.203 of 2014; C.R.P.No.3105 of 2022 is filed challenging the order that is rendered in I.A.No.686 of 2022 in O.S.No.208 of 2014; Likewise, C.R.P.No.3108 of 2022 is filed challenging the order that is rendered in I.A.No.687 of 2022 in O.S.No.209 of 2014.

3. Though the revision petitioner in all the four Civil Revision Petitions is one and the same, the respondents are different. The revision petitioner, who is defendant in all the suits in question, moved four separate Interlocutory

Applications seeking the trial Court to recall PW-1 in those suits for further cross-examination. The trial Court disallowed all those four applications and, therefore, the present Civil Revision Petitions are filed.

4. Heard Sri B.Sheshu Kumar, learned counsel for the revision petitioner, as well as Smt.R.Madhavilatha, learned counsel for the respondents.

5. Making his submission, learned counsel for the revision petitioner contends that during pendency of the suits in question, revision petitioner changed his counsel and engaged another counsel to conduct his case in all the suits and the said counsel after going through the depositions of PW-1 in all the suits, opined that some crucial questions were not put to the witness and, therefore, there is every necessity to further cross-examine PW-1 in all the suits. In those circumstances, the revision petitioner filed four Interlocutory Applications in all the four suits i.e. in one each seeking the Court to recall PW-1 for further cross-examination, but the trial Court on flimsy grounds dismissed those applications. Learned counsel seeks to allow the revision petitions, so that the

revision petitioner would be able to further cross-examine PW-1 in all the four suits.

6. Vehemently opposing the submission thus made, learned counsel for the respondents submitted that all the four suits were filed in the year 2014 for recovery of money. Learned counsel contended that from the beginning, the revision petitioner was trying to delay the proceedings. Learned counsel also submitted that when the matters reached fag end of the trial, again to protract the proceedings, the revision petitioner came up with a plea of further cross-examination of PW-1 and perceiving the attitude of the revision petitioner, the trial Court rightly negatived his relief and, thus, the orders of the trial Court needs no interference.

7. A perusal of the record reveals that the witness, who was examined as PW-1 in those suits, was not cross-examined immediately on filing of the chief-affidavit of PW-1. After taking sufficient time, the witness was subjected to cross-examination. No reasons were stated as to why all the relevant questions could not put to PW-1 while subjecting the said witness to cross-examination in those suits. That

apart, the trial Court in the impugned orders made a pertinent observation that the revision petitioner did not move applications to recall PW-1 immediately or soon after the completion of cross-examination of PW-1. The revision petitioner had taken time for about two years to move Interlocutory Applications seeking for recall of PW-1 for further cross-examination. In the meantime, even the defendant's witnesses were also examined. The main ground urged is change of counsel.

8. On the ground of change of counsel, if the parties to the proceedings seek for further cross-examination of witnesses, civil litigation will never come to an end. The ground urged is neither convincing nor appropriate. When the orders rendered by the trial Court are looked into, this Court finds that the learned Judge of the trial Court had discussed the merits of the applications at length and gave reasoned orders. None of the observations made needs interference. Therefore, this Court is of the view that the revision petitions lack merits.

9. Resultantly, all the four Civil Revision Petitions are dismissed without costs confirming the orders rendered in I.A.No.683 of 2022 in O.S.No.202 of 2014, I.A.No.685 of 2022 in O.S.No.203 of 2014, I.A.No.686 of 2022 in O.S.No.208 of 2014 and I.A.No.687 of 2022 in O.S.No.209 of 2014 by the Court of I Additional District Judge, Karimnagar.

10. As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 10.12.2022

svl