

THE HON'BLE THE ACTING CHIEF JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITIONS No:1319 & 1323 of 2019

COMMON ORDER:

1. Since the order challenged in the above revision petitions is one and the same, both the revisions are being disposed of by way of this common order.
2. The above revision petitions came to be filed challenging the common order dated 22.4.2019 passed by the II Additional Senior Civil Judge, Vijayawada, in I.A.Nos.125 and 126 of 2019 in O.S.No.867 of 2015, whereunder the applications filed by the petitioner-defendant to recall P.W.1 and to reopen the suit for further cross-examination of P.W.1, were dismissed.
3. The respondent-plaintiff filed the above suit for declaration and for consequential permanent injunction restraining the petitioner-defendant, his men, agents and others from ever interfering with his peaceful possession and enjoyment of the plaint schedule property in any manner whatsoever. After completion of the examination of P.Ws.1 to 3, the present applications came to be filed by the petitioner-defendant to recall P.W.1 for further cross-examination, on the ground that there are many contradictions and omissions in the evidence, and hence, it is necessary to reopen the evidence of P.W.1 for further cross-examination on some points to clear the ambiguities and to elicit the facts and reveal the falsity of P.W.1.

4. A counter came to be filed by the respondent-plaintiff before the Court below on the ground that the applications of such nature cannot be entertained. It is stated that the Counsel for the petitioner-defendant cross-examined P.W.1 on two or three occasions and that the present applications were filed only to drag on the proceedings.

5. Having considered the rival contentions of both the parties, the trial Court rejected the applications of the petitioner-defendant. Challenging the same, the present revision petitions came to be filed.

6. Perusal of the applications made before the trial Court does not show any reasons for recalling P.W.1. In the applications, it is stated that after analysis of evidence of P.Ws.1 to 3, many contradictions and omissions were found, and therefore, it is expedient to reopen the matter for the purpose of cross-examination of P.W.1 and to recall P.W.1. No where it is stated in the affidavits filed in support of the above applications about the issues on which the petitioner intends to cross examine P.W.1 and what are those contradictions, that led to filing of the present applications. As seen from the material on record, it is clear that P.W.1 was cross-examined on 3.10.2018 and 13.12.2018 while P.Ws.2 and 3 were cross-examined on 18.3.2019. Thereafter, the present applications were filed for further cross-examination of P.W.1. Since the petitioner-defendant did not specify the purpose for which P.W.1 is required to be cross-examined, the trial Court dismissed the applications.

7. Having regard to the above, I have no hesitation to hold that the order impugned does not warrant any interference.

8. Accordingly, the Civil Revision Petitions are dismissed. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

C. PRAVEEN KUMAR, ACJ

Dated: 28.06.2019
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28.6.2019

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