

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.3439 of 2015

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ORDER:

The plaintiff in O.S. No.1100 of 2012 on the file of the Court of the learned II Additional Senior Civil Judge at Vijayawada, Krishna District, is the petitioner herein. At the stage of cross-examination of PW2, a document, executed by one G.Venkata Aruna, was sought to be marked through her. The lower Court passed an order on 07.07.2015 stating that the said G.Venkata Aruna is not a party to the suit and no basis was made in the pleadings with regard to the said document, and accordingly, refused to mark the said document. The order passed by the lower Court is as follows:

“By perusing the document filed and intended to be marked by the plaintiff is signed by one G.Venkata Aruna, who is not the party to the suit. Hence, the same cannot be marked through the plaintiff or his wife, as the same was also not addressed to them or signed by them. Further according to the plaintiff also, the disputed document pertaining to another transaction and the existence of the said document was not even mentioned by the plaintiff in the earlier point of time either in his pleadings or in his chief evidence affidavit. Hence the plaintiff is not entitled to mark the proposed document through his wife/P.W.2 B.Aruna. For cross examination of P.W.2 call on 15.07.2015.”

I am in agreement with the order passed by the trial Court and the order of trial Court does not warrants any interference.

Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. However, this will not prevent the plaintiff from taking necessary steps for marking the proposed document in accordance with law.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

01.12.2015

MVA

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