

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.4969 of 2010

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ORDER:
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This Civil Revision Petition is filed challenging the order

dt.07-09-2010 in I.A.No.561 of 2010 in O.S.No.210 of 2007 of the

Additional Senior Civil Judge, Chittoor.

2. The petitioner herein is defendant in the above suit filed by respondent seeking damages for defamation against petitioner. There was a loan transaction between the parties and certain proceedings took place in the Court between the petitioner and respondent, in which it appears that 3 Officers of the petitioner Bank by name Sri Rajagopal, Smt.Vasanthi and Sri Ramesh had filed affidavits.

3. It is alleged by respondent that these affidavits are false affidavits and these persons had stated in forums where these affidavits were filed that they were duly authorized to file such affidavits; under Order XXIX Rule 1 CPC only one person can represent the Bank in a suit, but the above persons claiming to be authorized persons of

the Bank filed different G.P.As. and therefore they ought to be summoned for cross-examination to enable the Court to get the truth and if necessary initiate prosecution against them under Sections 191 and 193 IPC.

4. These applications have been allowed by order dt.07-09-2010 by the Court below in the impugned order. The Court below held that the respondent had contended that the affidavits and the G.P.As. filed by these persons are false ones and therefore these persons should be summoned to know about the G.P.As. executed in their favour by the petitioner bank.

5. Challenging the same, this Revision is filed.

6. The learned counsel for petitioners contends that the G.P.As. have been executed by the Board of Directors of the petitioner, which is a nationalised Bank and it is not proper for the Court below to summon these persons before the Court to enquire about the said G.P.As. and affidavits filed by them. It is his further case that these three persons are not within the jurisdiction of the trial Court any more and therefore it cannot summon them.

7. The learned counsel for respondent, on the other hand, contended that where a specific plea is raised that the affidavits filed by these Officers of the petitioner Bank

are false affidavits and questions are raised about the G.P.As. filed by them, it is incumbent on the Court below to summon them to give evidence and no error has been committed by the Court below in passing the impugned order.

8. It is the specific case of respondent/plaintiff that the affidavits and G.P.As. filed in the legal proceedings against respondent by these persons are false affidavits and the G.P.As. filed by them are also not genuine. When such a plea is raised, the Court below is bound to go into it.

9. Therefore, I do not find any error in the order passed by the Court below. But if the contention of the petitioner Bank that these persons are within the jurisdiction of the trial Court is correct, then it is open to the Court below to invoke its power under Order XXVI Rule 4(1)(a) CPC for examination of these witnesses on Commission directing the respondent to bear the costs of such commission.

10. With the above modification, this Civil Revision Petition is disposed of. No costs.

11. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 18-06-2015

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