

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 603 OF 2015

DATED 3rd November, 2015

BETWEEN

Smt. P.Vijaya

...Petitioner

And

Sri G.Venugopal Reddy

..Respondent.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 603 OF 2015

ORDER:

The petitioner herein is the defendant in O.S.No.264 of 2010. The said suit was filed by the respondent/plaintiff for recovery of Rs.4,86,000/- based on a pronote. When the matter was coming up for cross-examination of DW.1, the petitioner herein filed I.A.No.726 of 2014 to summon the concerned Government officials, i.e., Office clerk or Principal of the School to produce the attendance register for the months of March, 2007 and September 2009 to find out as to whether the petitioner was on duty or not. The said petition was

dismissed by the trial Court through the order dated 31.10.2014, challenging which, the present revision petition is filed.

Though a copy of the written statement was not filed, however, after handing over a copy of the written statement by the learned Counsel for the petitioner, this Court perused the same and noticed that there was no specific averment with regard to the non execution of the suit document or non borrowing of the amount on the said date, except denials in the written statement. Now attendance register for the months of March, 2007 and September, 2009 are sought to be summoned. The Court below dismissed the said application with the following observations.

“ Further the petitioner/defendant had been dragged the matter by not cross examine PW 2 for several adjournments and conditional orders and also not produced her evidence inspite of conditional orders and her evidence also closed on 19.9.2014 and posted the matter for arguments. At that stage, she filed a petition for reopening of the evidence and recall PW.2.

This Court allow the petition giving opportunity for cross examination of PW2. After closed of evidence the defendant filed her evidence when the matter is coming for marking and cross examination of DW1. She filed this petition without giving particulars of working place.

Even otherwise the petitioner has not taken the plea that she was engaged in the school on the particulars date of the execution of the suit documents in her written statement i.e. earliest opportunity of her entering into defence. Now filing of this petition is nothing but the effort to drag on the proceedings further. If she wants to file any evidence she can made her own efforts to produce such evidence but not summoning the documents by the Court with vague averments”

In view of the above, I do not see any merit in the Civil Revision Petition warranting interference with the order of the Court below.

The Civil Revision Petition is dismissed. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 3rd November, 2015.

Msnr_x