

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

-

CIVIL REVISION PETITION Nos. 1610 and 1716 of 2015

-

-

COMMON ORDER:

Aggrieved by the common order dated 10.03.2015 passed in I.A.Nos.19 and 20 of 2015 in O.S.No.236 of 2009 on the file of the Principal Junior Civil Judge, at Tiruvuru, these two civil revision petitions are filed. Though the civil revisions are filed separately challenging the common order, however, as the matters are connected, both the revision petitions are taken up together for disposal by way of this common order.

2. The petitioner herein is the defendant and the respondent herein is the plaintiff in O.S.No.236 of 2009. The suit was filed by the respondent/plaintiff seeking recovery of certain amount from the defendant. When the matter was coming up for hearing, the petitioner filed I.A.No.19 of 2015 under Section 151 of Code of Civil Procedure (for short, 'the CPC') seeking to re-open the evidence on the plaintiff side; and I.A.No.20 of 2015 under Order XVI Rule 5 of the CPC seeking to summon the Head Master, Indira Colony, MPP School to cause production of Teachers' Attendance Register for the years 2003 to 2005. The trial Court dismissed both the I.As., by common order, dated 10.03.2015. Hence, the revision petitions.

3. Learned counsel for the petitioner contends that the petitioner is in no way concerned with the signatures on Exs.A1 and A2, and that the petitioner never signed in full name; whereas the pronotes consist full signature. Learned counsel further contends that the trial Court erred in dismissing the I.As, and hence, prays to set aside the impugned order and allow the civil revision petitions.

4. A perusal of the impugned order would show that the trial Court has passed a reasoned order while dismissing the interlocutory applications. With regard to I.A.No.19 of 2015, the trial Court observed that the petitioner earlier filed I.A.No.645 of 2011 requesting to send Exs.A1 and A2 pronotes for comparison and the same came to be dismissed on 21.01.2012; and the petitioner also filed I.A.No.434 of 2011 to send the Ex.A1 pronote along with Ex.A2 part-payment endorsement for expert opinion, but the application was dismissed on 23.08.2011 stating that the signatures are not contemporaneous signatures. Challenging the dismissal of I.A.No.645 of 2011 by order dated 21.01.2012, the petitioner preferred a revision petition before this Court viz., CRP No.694 of 2012, which was also dismissed. With respect to I.A.No.20 of 2015, which was filed for summoning the Head Master of the MPP School and causing production of the Teachers Attendance Register for verifying the type/manner in which the petitioner signed in the attendance register, the trial Court observed that it is not the case of the petitioner that he signed in the attendance register in his full signature in the version in which he signed on Ex.A1 pronote, and even if the attendance register pertaining to the years 2003-2005 is ordered to be produced, no purpose would be served; and when the matter is coming up for arguments, filing of the aforesaid interlocutory applications is only to procrastinate the proceedings.

5. The attendance registers and the signatures put therein have nothing to do with the facts of the case in issue. Further, the revision filed by the petitioner earlier before this Court for sending Exs.A1 and A2 for comparison, was also dismissed. In that view of the matter, I do not find any reason to entertain the civil revision petitions.

6. The civil revision petitions are, accordingly, dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. CHANDRAIAH

07th September, 2015

ksm

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

-
-
-
-
-
-
-
-
-
-

CIVIL REVISION PETITION Nos. 1610 and 1716 of 2015

-
-
-

07th September, 2015

ksm