

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.4989 of 2015

-

ORDER:

This revision is preferred by the plaintiff in the suit calling in question the orders passed by the I Additional Senior Civil Judge, Ranga Reddy District rejecting his I.A.No.113 of 2015 in O.S.No.2602 of 2008 filed by him for taking out summons to the Manager, State Bank of India, Kamareddy Branch to produce the cash register dated 24.06.2008, cheques, vouchers dated 24.06.2008 of the said branch before the Court, so that the petitioner/plaintiff will be able to demonstrate that the agreement of sale – cum – General Power of Attorney said to have been allegedly executed on 24.06.2008 is a false and fabricated document.

Heard Sri V.R.N. Prashanth, learned counsel for the petitioner.

The suit is instituted, amongst other reliefs seeking a declaration that the agreement of sale – cum – General Power of Attorney dated 24.06.2008 bearing document No.3541 of 2008 is a fraudulent one. A copy of the said document bearing No.3541 of 2008 has been placed at page No.26 of the paper book filed in this revision. It is a registered document, said to have been presented for registration between 02.00 – 03.00 p.m. on 24.06.2008 before the Sub-registrar, Rajendranagar. It is the case of the petitioner that on 24.06.2008 he was working at State Bank of India branch at Kamareddy and therefore he could not have been simultaneously be present between 02.00 – 03.00 p.m. before the Sub-registrar, Rajendranagar, Ranga Reddy District. Thus, with a view to demolish the case set up by the respondents herein, who are the defendants in the suit, he required the Branch Manager to be summoned. Since he has functioned as an employee of the said branch on that day,

by securing the cash register, other vouchers and cheques cleared or passed in the branch on that day, he can easily establish that he was in fact working in and at Kamareddy branch for whole day on 24.06.2008 and consequently he could not have been present between 02.00 – 03.00 p.m. on 24.06.2008 before the Sub-registrar, Rajendranagar, Ranga Reddy District. By this method, it is sought to be established that the document bearing No.3541 of 2008 is a fabricated one. That application has been dismissed by the Court below setting forth that the defendants have yet to establish their defence and hence in anticipation, the demolition work of such a defence of defendants in the suit, the present application can not be entertained.

I see no reason to interfere with the order passed by the learned I Additional Senior Civil Judge, Ranga Reddy District in I.A.No.113 of 2015 in O.S.No.2602 of 2008. However, it shall be open to the petitioner to renew his request at any later point of time. It shall also be open to the petitioner to ask the Court to collect his right hand thumb impression and then compare the same with the one, which is found on the reverse of the 1st page of the document bearing No.3541 of 2008 and in that process he can also seek comparison of both the thumb impressions by a specialist, in terms and in accordance with the provisions contained in Section 45 of the Indian Evidence Act.

Since there was no failure of discretion and there was also no failure of exercise of jurisdiction in dismissing the I.A., which might result in substantial injury or prejudice to the case of the petitioner/plaintiff herein, there was no necessity for entertaining this revision.

Accordingly, the civil revision petition is dismissed. No order as to costs.

The miscellaneous applications, if any shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

30.11.2015

Ksp