

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF
ANDHARA PRADESH

C.R.P.No.5555 of 2011

Between:

K.S.Latha

.....Petitioner

and

Shriram Chits Pvt. Ltd., Himayatnagar, Hyderabad and others.

.....Respondents

Date of Judgment pronounced : 18-08-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers : Yes/No
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked :
Yes/No
to Law Reporters/Journals:
3. Whether The Lordship wishes to see the fair copy : Yes/No
Of the Judgment?

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

C.R.P.No.5555 of 2011

ORDER:

Heard Sri B.Venkat Rama Rao, learned counsel for

the petitioner and Sri K.Maheswar Rao, learned counsel for 1st respondent.

2. This Revision Petition is filed challenging the order dt.30-08-2011 in I.A.No.804 of 2010 in O.S.No.1577 of 2008 of the II Senior Civil Judge, City Civil Court, Hyderabad.

3. Petitioner herein is the 1st defendant in the suit. The 1st respondent filed the suit against the petitioner and other respondents on the basis of a chit agreement. Along with the suit, he filed a statement of account which is a computer generated statement up to the date of filing of the suit.

4. Written Statement was filed by petitioner opposing the suit claim and contending that the entire suit claim has been paid. The petitioner contended that certain payments had also been made subsequent to the filing of suit by the petitioner as well as the guarantors/respondent Nos.2 to 5 and 1st respondent has not filed the ledger book and statement of account of the chit reference No.HSC 8/15 and therefore he sought a direction under Order 11 Rule 14 CPC to 1st respondent to produce the ledger book and statement of account of the petitioner.

5. This application was opposed by 1st respondent contending that in P.W.1's evidence, Ex.A-11 was marked which is a computer generated statement

reflecting all payments made prior to filing of suit. It further contended that payments to a tune of Rs.2,03,000/- made after filing of the suit are admitted and the suit is confined only to the balance amount of Rs.1,52,754/-. It was also contended that there is no separate ledger being maintained since computers had been introduced and therefore, there is no question of producing the same.

6. By order dt.30-08-2011, the Court below dismissed the said application. It held that when no ledger is being maintained and accounts are computerized, petitioner cannot insist on producing the non-existing ledger. It also rejected the plea of the petitioner that 1st respondent be directed to produce the statement of account for the period after filing of the suit observing that P.W.1 had admitted only some payments made after filing of the suit, and had raised a plea that all the payments made by the petitioner as well as respondent Nos.2 to 5 were properly recorded and entries had also been made in the pass book of the petitioner.

7. Challenging the same, this Revision Petition is filed.

8. Although the learned counsel for the petitioner contended that 1st respondent must be directed to produce the ledger containing the entries relating to the suit chit transaction, since 1st respondent is contending that the accounts had been computerized and no ledgers

are being maintained, no direction can be given to 1st respondent to produce the non-existent ledger relating to the suit chit transaction. However, admittedly 1st respondent had filed the computer generated statement of account indicating the transactions up to the date of filing of the suit, but had not filed statement of account for the period subsequent to the filing of the suit.

9. In this view of the matter, there is nothing wrong in the petitioner seeking a direction to 1st respondent to produce statement of account for the period subsequent to the filing of the suit. Merely because 1st respondent took a plea that all payments made had been properly recorded and entries were also made in the pass book held by the petitioner, there is no reason why 1st respondent, who maintains the accounts in soft copy, cannot be directed to produce computer generated statement of accounts for the period subsequent to the filing of the suit and satisfy the petitioner as well as the Court that it is correctly maintaining the record.

10. Therefore to this extent, the Civil Revision Petition is allowed in part and 1st respondent is directed to furnish to the petitioner, a statement of account of the suit chit transaction for the period subsequent to the filing of the suit forthwith. No costs.

11. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-08-2015

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