

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.3774 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondent.

2. The petitioner herein is plaintiff in O.S.No.42 of 2006 on the file of the Court of IX Additional Chief Judge, City Civil Court at Hyderabad (for short, trial Court). He filed the said suit for specific performance of an agreement of sale dated 29.12.2005. Evidence of the plaintiff was completed and Exs.A.2 to A.4, which are bank statements, were marked on his behalf. At that stage, in order to prove the genuineness of the contents of the bank statements, the petitioner filed I.A.No.672 of 2014 seeking to summon the respective bank managers. The trial Court, by order dated 06.07.2015, dismissed the said application on the ground that summoning of bank managers is not relevant. Challenging the said order, the present Civil Revision Petition is filed.

3. As already stated above, the suit was filed for specific performance of an agreement of sale and an amount of Rs.5 lakhs was paid on the date of agreement. The balance amount was deposited before the trial Court. Though the petitioner marked the bank statements as Exs.A.2 to A.4 in order to show his financial capacity, he wants to prove their genuineness by summoning the respective bank managers, which ought not to have been disallowed. Mere marking of a document does not mean that its contents are proved. In the circumstances, when Exs.A.2 to A.4 were already marked at the instance of the plaintiff as P.W.1, the trial Court should have given an opportunity to the petitioner to prove the genuineness of the said bank statements by calling the respective bank managers.

4. Hence, the impugned order of the trial Court dated 06.07.2015 is set aside and I.A.No.672 of 2014 in O.S.No.42 of 2006 is allowed. The

trial Court shall endeavour to dispose of the suit as expeditiously as possible, but not later than 30.09.2016.

5. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 17.12.2015
TJMR