

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.2813 of 2015

Dated 24th July, 2015

Between:

Akkla Dasaradha Rami Reddy

...Petitioner

And

Movva Rama Sheshgiri Rao

...Respondents

Counsel for the petitioner: Smt.Marella Radha

Counsel for the respondents: ----

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 05.06.2015, in I.A.No.128 of 2015, in O.S.No.26 of 2011, on the file of the learned Senior Civil Judge, Repalle.

The respondent filed the above-mentioned suit against the petitioner for recovery of money based on a promissory note. After the trial is completed, the petitioner filed I.A.No.128 of 2015 for summoning the record relating to savings bank account bearing No.14174 of Andhra Bank, Ponnur to establish that at the instance of the respondent, the petitioner has opened the said account and that the cheque book obtained at that time was taken away by the respondent and later he has fabricated the cheque book by forging his signatures. This application has been dismissed by the lower Court.

At the hearing, Smt.Marella Radha, learned counsel for the petitioner, submitted that in order to prove the petitioner's case that the

respondent has managed to open the bank account by accompanying the petitioner and obtaining the cheque book in the name of the petitioner, the petitioner wanted to summon the bank record.

In my opinion, the petitioner ought to have been diligent in making such application before trial was closed. As rightly observed by the lower Court, the petitioner ought to have obtained required information from the Bank and filed the same in order to prove his case. Without making any effort towards this direction, the petitioner has filed this application after closure of evidence evidently to protract the litigation further.

For the above-mentioned reasons, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.3756 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

24th July, 2015
VGB