

HON'BLE SRI JUSTICE R.SUBHASH REDDY

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CIVIL REVISION PETITION No.1114 of 2015

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ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff aggrieved by the order dated 25.02.2015 in I.A.No.52 of 2015 in O.S.No.339 of 2013 passed by the VI Additional Senior Civil Judge, Vijayawada, Krishna District, allowing the application filed by the respondent/defendant under Order XVI, Rule 1 and Section 151 of C.P.C., seeking to summon the witness to give evidence in respect of sale agreement dated 27.7.2009, registered gift deed as well as revocation deed for the purpose of adjudication of the suit.

2. The petitioner/plaintiff filed the aforesaid suit for recovery of money based on a pronote alleged to have executed by the respondent/defendant. The respondent/defendant filed written statement stating that she entered into a sale agreement dated 27.7.2009 with one Lingala Nageswara Rao for a sale consideration of Rs.4,50,000/- in respect of Ac.0.65 cents of property situated at Pedaparapudi village, Dosapadu Mandal, Gudivada, and paid an amount of Rs.2,00,000/- towards advance and the said Lingala Nageswara Rao had taken three empty promissory notes, two cheques from her and two more cheques from her husband towards security for the balance sale consideration. After completion of the evidence of petitioner/plaintiff, the respondent/defendant adduced her evidence as D.W.1 and marked Exs.B.1 to B.4. At that stage, the respondent/defendant has filed the present application in I.A.No.52 of 2015 under Order XVI, Rule 1 and Section 151 of C.P.C., seeking to summon the witness to give evidence in respect of sale agreement dated 27.7.2009, registered gift deed as well as revocation deed. The Court below, after considering the evidence and the material on

record, allowed the said application through the impugned order dated 25.2.2015. Hence, the present civil revision petition.

3. Ms. K. Pallavi, learned counsel for the petitioner/plaintiff contends that though a third party is no way concerned with the suit proceedings, the Court below has erroneously allowed the application filed by the respondent/defendant to summon the witnesses mentioned therein.

4. From a perusal of the affidavit filed in support of the I.A., it is clear that the aforesaid suit is filed based on a pronote, which was given to one Lingala Nageswara Rao towards balance sale consideration in respect of Ac.0.65 cents of property situated at Pedaparapudi village, Dosapadu Mandal, Gudivada. In view of the stand taken by the respondent/defendant, it cannot be said that the third party is not required to be summoned for the purpose of resolving the dispute in the suit and the Court below has committed error by allowing the application filed by the respondent/defendant to summon the witness.

5. In view of the reasons assigned by the Court below, this Court is of the view that there are no merits in this revision warranting interference by this Court under Article 227 of the Constitution of India.

6 . Accordingly, this civil revision petition is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

27.03.2015.

Msr

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