

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

C.R.P. No.2772 of 2015

Between:

Chinnari Taviti Raju

... Petitioner

And

Araveeti Amarnath

... Respondent

JUDGMENT PRONOUNCED ON : 24.08.2015

THE HON'BLE SRI JUSTICE : G.CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

C.R.P. No.2772 of 2015

ORDER:

This revision petition has been filed against the order dated 18.06.2015 made in I.A. No.356 of 2015 in O.S. No.1078 of 2014 by the VII Additional Senior Civil Judge, Vijayawada.

The revision petitioner and the respondent herein are the defendant and the plaintiff, respectively in O.S. No.1078 of 2014 that was filed by the plaintiff on the strength of promissory note against the defendant.

The defendant filed I.A. No.356 of 2015 under Section 151 CPC seeking direction to the plaintiff to file the chief examination affidavits of all the witnesses on his side. The learned trial Court, dismissed the said I.A. Assailing the same, the defendant filed the present revision petition.

The learned counsel for the revision petitioner submitted that the plaintiff filed the said suit for recovery of amount on the basis of promissory note, which was filed with forged signatures by fabricating it. Therefore, the defendant filed an application seeking direction to the plaintiff to file all chief examinations affidavits of witnesses for the purpose of corroboration and to elicit the truth for the ends of justice. The learned trial Court instead of directing the plaintiff as sought for in the application erroneously dismissed the same. Therefore, the learned trial Court committed an error in passing the impugned order.

Heard the learned counsel for the revision petitioner and perused the material on record.

As could be seen from the impugned order, it is clear that the defendant filed the said I.A. under Section 151 CPC without mentioning any particular provision of law that he is entitled to the relief sought for therein. The said objection had already been taken by the plaintiff before the Court below and the Court below also rightly considered the same. Further, the

Court below had rightly taken note of the case law reported in the case of **NANDURI RAMAKRISHNA AND ANOTHER v. PENAKATI NARASIMHA MURTHY @ AVATHARAM**^[1], wherein this Court had categorically held that such course is not permissible and at this stage, this Court is not inclined to reiterate the same herein, which is nothing but futile exercise.

In that view of the matter, this revision petition is liable to be dismissed.

Accordingly, this revision petition is dismissed.

Consequently, as a sequel, miscellaneous petitions, if any, stands closed. There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 24.08.2015
LSK

^[1] 2013 (1) ALT 708