

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.1694 of 2014

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.18.12.2013 in I.A.No.1068 of 2013 in O.S.No.273 of 2012 on the file II Senior Civil Judge, City Civil Court, Hyderabad.

2. The petitioner herein is defendant in the said suit.

3. The respondent filed the said suit against petitioner for recovery of money on the basis of an agreement Ex.A.1.

4. After the evidence on the side of respondent was closed and at a time when the matter was coming up for evidence of petitioner, the petitioner filed I.A.No.1068 of 2013 under Order 16 Rule 1 C.P.C. to summon the stamp vendor who sold the stamp paper on which the suit document is drafted, alleging that petitioner in his evidence as DW.1 had denied purchasing the said stamp paper.

5. This application was opposed by respondent stating that it was filed only to drag on the suit and that Ex.A.1 document itself reflects the date and name of the purchaser, and the person on whose behalf the stamp paper was purchased.

6. By order dt.18.12.2013, the Court below dismissed the said I.A. It held that petitioner was not able to explain how the stamp vendor is a crucial witness to be examined in the case, that summoning him to give evidence would cause inconvenience, and no useful purpose would be served by examining him.

7. Challenging the same, the present Revision is filed.

8. Heard Sri P. Narayana, counsel for petitioner. None appears for respondent.

9. Although the counsel for petitioner would contend that the impugned order is unsustainable, I am unable to agree with the said submission.

10. The crucial question in the suit is whether any liability can be fastened on petitioner on the basis of Ex.A.1. Therefore, the principal question is whether Ex.A.1 was executed by petitioner or not. The evidence of stamp vendor is irrelevant in this regard. The petitioner has not given any explanation as to how the evidence of stamp vendor would help him in the suit.

11. Therefore, I do not find any error or infirmity in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India. Therefore, the Civil Revision Petition is dismissed. No order as to costs.

12. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28.10.2015

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