

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.338 of 2015

ORDER:

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

2. The petitioner herein is defendant in O.S.No.64 of 2013 on the file of the Court of V Additional District Judge, Kothagudem (for short, trial Court). The respondent herein filed the said suit for recovery of an amount of Rs.34,00,500/- on the basis of a promissory note. After completion of evidence, the petitioner herein filed I.A.No.1027 of 2014 seeking issuance of summons to the respondent/plaintiff to produce his income tax returns for the assessment year 2011-12 on the ground that the respondent has shown the said amount in his income tax returns and admitted the same in the cross-examination. A counter-affidavit is filed by the respondent stating that the petitioner can obtain the same from the Income Tax Department through regular process and the petitioner filed the present application only to drag on the matter.

3. The trial Court, by its order dated 19.12.2014, dismissed the said application with the following observations.

“6. No doubt there is no bar on the part of petitioner in obtaining the documents from the concerned department by filing required representation. The respondent in not filing of copy of the tax returns before the court though he admitted in cross and filing this counter denying the petition averments to the best reasons known to the agency of respondent. In the above circumstances, the petitioner can approach the income tax department for obtaining the relevant documents on proper application.”

Challenging the said order, the present Civil Revision Petition is filed.

4. A perusal of the above order does not warrant any interference in the facts and circumstances of the case. Hence, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 11.12.2015
TJMR