

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4760 of 2015

Dated 07.11.2015

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Between:

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Syed Subhani

... Petitioner

and

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Shaik Rasool

...Respondent

Counsel for the petitioner: Mr.GVS.Mehar Kumar

Counsel for the respondent : None appeared

The Court made the following:

Order :

This Civil Revision Petition is filed against Order, dated 20.08.2015, in IA.No.806 of 2015 in OS.No.78 of 2011, on the file of the Court of the learned Principal Junior Civil Judge,

Sattenapalli.

I have heard Mr.GVS.Mehar Kumar, learned Counsel for the petitioner, and perused the record.

The petitioner has filed the above-mentined suit for specific performance of an agreement of sale against the respondent. The respondent has filed a written statement denying execution of the suit document. He has also filed IA.No.1135 of 2014 for sending the suit document for comparision of the signatures available thereon with the admitted signatures on Ex.B.4- application, purportedly, made by him to the Andhra Bank, Rajupalem, for sanction of loan. The petitioner has not opposed the said application and accordingly, the lower Court has allowed the same on 16.06.2015. A few days later *i.e.*, on 06-07-2015, the petitioner has filed IA.No.806 of 2015 under Section 151 of the Code of Civil Procedure, 1908 (CPC) for reopening his evidence for summoning the Branch Manager, Andhra Bank, Rajupalem, to produce the loan papers of the respondent. This application has been dismissed by the lower Court.

The only ground, on which the petitioner sought for reopening his evidence for summoning the Branch Manager, Andhra Bank, is to establish that Ex.B.4 is not the original loan application and that the same is a fabricated one, the signatures on which could not be compared with the suit document.

In my opinion, having not raised an objection on the nature of Ex.B.4- loan application in IA.No.1135 of 2014, it is not permissible for the petitioner to raise that issue at this stage.

The learned Counsel for the petitioner submitted that Ex.B.4 was marked subject to objection. Having raised such an objection at the time of marking Ex.B.4, the petitioner should have been diligent in opposing IA.No.1135 of 2014 on the ground that the same is fabricated. At any rate, if Ex.B.4 is a photocopy, the expert himself is expected to give his opinion on the nature of the said document. Therefore, it is wholly unnecessary for the petitioner to seek summoning of the purported original document from the Bank.

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, CRPMP.No.6267 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 7th November, 2015

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