

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NOS.2066,

2071, 2072 AND 2089 OF 2016

COMMON ORDER

The petitioner in these four revision petitions, filed under Article 227 of the Constitution, is the defendant in O.S.Nos.1617 and 1618 of 2013 on the file of the learned Principal District Judge, Ranga Reddy District at L.B.Nagar. The said suits were filed for recovery of money from the petitioner/defendant on the basis of promissory notes. While so, the petitioner/defendant filed I.A.Nos.500 to 503 of 2016 in O.S.No.1617 of 2013 under Order 8 Rule 1A(3) CPC, Order 13 Rule 10(2) CPC and Order 18 Rule 17 CPC seeking leave to place documents on record; to summon Exs.A.1 to A.3 from O.S.Nos.1618 and 1027 of 2013 and to recall P.Ws.1 to 4 by reopening the suit for confronting them with the said documents by way of further cross-examination. Similarly, he filed I.A.Nos.543 to 546 of 2016 in O.S.No.1618 of 2013 under Order 8 Rule 1A(3) CPC, Order 13 Rule 10(2) CPC and Order 18 Rule 17 CPC seeking leave to place on record documents; to summon Exs.A.1 to A.3 from O.S.Nos.1617 and 1027 of 2013 and to recall P.Ws.1 to 4 by reopening the suit for confronting them with the said documents by way of further cross-examination. By separate common orders dated 29.03.2016 passed in both sets of I.A.s in the two suits, the trial Court dismissed them. Aggrieved thereby, the petitioner/defendant is before this Court.

C.R.P.No.2072 of 2016 relates to I.A.No.500 of 2016 while C.R.P.No.2066 of 2016 pertains to I.A.No.501 of 2016 in O.S.No.1617 of 2013. C.R.P.No.2089 of 2016 pertains to I.A.No.544 of 2016 while C.R.P.No.2071 of 2016 relates to I.A.No.546 of 2016 in O.S.No.1618 of 2013. I.A.No.500 of 2016 was filed under Order 8 Rule 1A(3) CPC to grant leave to the petitioner/defendant to place certain documents before the trial Court. In the affidavit filed in support thereof, the

petitioner/defendant stated that two other suits, O.S.Nos.1618 and 1027 of 2013, were filed against him for recovery of money, of which O.S.No.1618 of 2013 was pending on the file of the same Court while O.S.No.1027 of 2013 was pending before the learned XI Additional Chief Judge, City Civil Court, Hyderabad. According to the petitioner/defendant, the suit promissory notes in the three suits bore many similarities and were allegedly fabricated. He therefore wanted to file copies of the pronotes from the other suits. I.A.No.501 of 2016 was filed by him in O.S.No.1617 of 2013 under Order 13 Rule 10(2) CPC to summon Exs.A.1 to A.3 from O.S.No.1618 of 2013 which was pending in the same Court and also Exs.A.1 to A.3 from O.S.No.1027 of 2013 pending before the learned XI Additional Chief Judge, City Civil Court, Hyderabad, so as to enable him to confront P.Ws.1 to 4 with the said documents. Similarly, I.A.No.546 of 2016 in O.S.No.1618 of 2013 was filed under Order 8 Rule 1A(3) CPC echoing the same prayer to receive copies of the suit pronotes in O.S.No.1617 of 2013 pending before the same Court and O.S.No.1027 of 2013 pending before the learned XI Additional Chief Judge, City Civil Court, Hyderabad. I.A.No.544 of 2016 was filed under Order 13 Rule 10(2) CPC to summon Exs.A.1 to A.3 from O.S.No.1027 of 2013 pending before the learned XI Additional Chief Judge, City Civil Court, Hyderabad, and Exs.A.1 to A.3 in O.S.No.1617 of 2013 pending before the same Court.

Perusal of the separate common orders passed by the trial Court in the two sets of I.A.s filed in the suits reflects that the trial Court took note of the fact that O.S.Nos.1617 and 1618 of 2013 were pending on its file but no steps had been taken by the petitioner/defendant to club the two suits. The trial Court also took into account the fact that after closure of the plaintiff's evidence in both the suits, the petitioner/defendant had taken six adjournments and filed his affidavit in lieu of chief-examination only after imposition of costs. It was at this stage that he came up with the subject I.A.s. The trial Court therefore opined that, having taken as many as six adjournments to let in his own evidence, the ploy adopted by

the petitioner/defendant to seek recall the plaintiff's witnesses for further-examination was an attempt to drag on the proceedings. The trial Court accordingly dismissed all the I.As. Significantly, the revision petitions were filed by the petitioner/defendant against the common orders only in so far as they pertain to two out of the four I.A.s in each suit.

Heard Sri T.Sanjay Rao, learned counsel for the petitioner/defendant, and Sri Dida Vijaya Kumar, learned counsel for the respondent/plaintiff in O.S.No.1617 of 2013 and the respondent/ plaintiff in O.S.No.1618 of 2013.

Sri T.Sanjay Rao, learned counsel, would contend that the observation of the trial Court against his client on the ground that he did not seek clubbing of the suits is not proper as the plaintiffs in the two suits were different. However, it is not in dispute that P.Ws.2 to 4 examined in both the suits are relations. According to them, it was at their behest that the amounts were lent to the petitioner/defendant on the basis of promissory notes by the two plaintiffs separately. It is further stated that the Advocate Commissioner appointed to record evidence was the same person in all the suits.

That apart, the case of the petitioner/defendant by way of the subject I.A.s was that P.Ws.2 and 3 had signed as witnesses in all the three suit promissory notes and P.W.4 was the scribe thereof. The reason for filing the I.A.s was that there were alleged similarities in all the three promissory notes and therefore, the same needed to be put to the witnesses. However, no explanation is forthcoming as to why the petitioner/defendant did not choose to take recourse to such measures during the cross-examinations of these witnesses at the relevant time. Given the aforesaid fact situation, the negligence and carelessness on the part of the petitioner/defendant assumes importance. The trial Court's observation that the petitioner/defendant took as many as six adjournments and filed his affidavit in lieu of chief-examination only after imposition of costs is not disputed. That being so, the very *bonafides* of the petitioner/defendant in filing the subject I.A.s at this belated stage are

suspect. The separate common orders passed by the trial Court holding to this effect therefore do not warrant interference.

The Civil Revision Petitions are devoid of merit and are accordingly dismissed. Pending miscellaneous petitions in all the CRPs. shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

11th JULY, 2016

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