

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.1297 OF 2016

DATED:11-03-2016

Between:

Mattupalli Mahesh ... Petitioner

And

Grandhi Anand ... Respondent

COUNSEL FOR THE PETITIONER: Mr. Srinivas Bodduluri

COUNSEL FOR THE RESPONDENT: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition is filed against order dt.15.2.2016 in I.A. No.86 of 2016 in O.S. No.361 of 2011, on the file of the XII Additional District Judge-cum- Judge, Family Court, Guntur.

The sole defendant in the above mentioned suit, which was filed for recovery of the money on the foot of a promissory note, filed the above mentioned I.A. under Section 151 of the Code of Civil Procedure, to reopen his side's evidence and to summon the Branch Manager, State Bank of India, Old Guntur, and the Additional/Joint Commissioner, Income Tax Department, Range-I, Kannavarithota, Guntur. This application was considered and rejected by the lower Court.

As observed by the lower Court, the suit is of the year 2001 and the evidence has already been closed. The petitioner by filing the said I.A. sought for summoning the Branch Manager, State Bank of India, and the Additional/Joint Commissioner, Income Tax Department, by taking the plea that the information gathered by him revealed that the respondent – plaintiff has a bank account and is also an income tax assessee. The petitioner has taken the defence in the suit that the respondent had no capacity to lend the money and that the suit promote is a forged one. As rightly observed by the lower Court, the initial burden lies on the respondent prove that the suit pronote was genuine and that he had the capacity to lend the money. Therefore, it is wholly unnecessary for the petitioner to adduce any evidence to prove the incapacity of the respondent to lend the suit amount. Hence, I do not find any illegality or jurisdictional error in the order of the lower Court in rejecting I.A. No.86 of 2016.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition,
C.R.P.M.P. No.1646 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

11-03-2016

bnr