

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.2280 OF 2010

ORDER

This civil revision petition under Article 227 of the Constitution arises out of the order dated 15.04.2010 passed by the learned Principal Junior Civil Judge, Machilipatnam, in I.A.No.121 of 2010 in O.S.No.298 of 2008. The petitioner is the defendant in the said suit which was filed for recovery of money based on two promissory notes. The subject I.A. was filed by the respondent/plaintiff under Order 16 Rules 1 and 7 CPC to permit him to examine the listed witnesses in order to prove Exs.A.6 to A.8 documents. By the order under revision, the trial Court allowed the I.A. permitting the respondent/plaintiff to examine the listed witnesses. Aggrieved thereby, the petitioner/defendant filed the present revision petition and by order dated 10.06.2010, this Court granted interim stay of further proceedings in the suit.

It is an admitted fact that by order dated 13.11.2009 passed in C.R.P. No.3653 of 2009, this Court directed the trial Court to treat the documents, Exs.A.6 to A.8, as having been received in evidence subject to objection and after framing necessary issues on the question of admissibility and relevancy. Ex.A.6 is the FIR allegedly registered at the behest of the defendant. Ex.A.7 is the alleged complaint which formed the basis for the aforestated FIR and Ex.A.8 is a copy of the deposition allegedly given by the defendant as P.W.1 in C.C.No.79 of 2004. These documents were sought to be adduced in evidence for disproving the claim of the defendant that he was a marksman incapable of affixing his signature. The listed witnesses were sought to be examined on the ground that they would be able to establish the link between the said documents and the defendant.

Once the documents in question were received in evidence, subject to admissibility and relevancy, pursuant to the orders passed by this Court, examination of the witnesses presently sought is only

consequential thereto. The petitioner/defendant, having allowed the earlier order passed by this Court to attain finality, cannot now object to the examination of the witnesses in relation to the said documents. The order passed by the trial Court holding to this effect therefore does not suffer from any irregularity warranting interference therewith.

The Civil Revision Petition is devoid of merit and is accordingly dismissed. The interim order dated 10.06.2010 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

25th FEBRUARY, 2016

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