

4THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITON No. 4634 OF 2016

ORDER:

This civil revision petition is filed against the order dated 12.08.2016 passed by the Senior Civil Judge, Kavali, in E.A.No.86 of 2016 in E.P.No.23 of 2012 in O.S.No.109 of 2008, dismissing the cheque petition filed by the decree holder.

2. Petitioner filed the impugned cheque petition for issuance of a cheque for a sum of Rs.3,46,700/-, which was deposited by the respondent/defendant. Petitioner/deGREE holder filed a residence proof certificate obtained from the Tahsildar, wherein the name of the father of the petitioner was shown as Cherreddy Balireddy @ Balaiah. In the judgment and decree passed in O.S.No.109 of 2008, the name of the father of the petitioner had been shown as Bal Reddy only and not Balireddy @ Balaiah. Even in the execution petition, the name of the father of the petitioner is shown as Bal Reddy.

3. Though both the counsel on record before the court below had reported no objection, by the impugned order the learned Senior Civil Judge dismissed the EA on the ground that the petitioner's father's name is not tallying.

4. Learned counsel for the petitioner submits that the petitioner's counsel as well as respondent's counsel are ready to file

affidavit before the court below speaking about the genuineness of the petitioner. The counsel appearing for the respondent before the court below is also a senior counsel of repute of Kavali Town and is the counsel, who appeared for the defendants in the suit as well as in the Execution Petition.

5. In the factum of the present case, there being no dispute with respect to the judgment and decree passed in favour of the petitioner, S/o.Bal Reddy, R/o. Kaligiri Village and Mandal, subject to the condition of both petitioner's counsel as well as respondent's counsel filing an affidavit before the court identifying the petitioner and thereby vouchsafing the genuineness of the petitioner for issuance of the cheque in favour of the petitioner, the court below shall issue a crossed cheque in favour of the petitioner with the name Cherreddy Prabhakar, S/o.Bali Reddy.

With the above observation, the Civil Revision Petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

November 7, 2016
LMV