

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CIVIL REVISION PETITION No.530 OF 2016
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ORDER:

Heard the learned counsel for the petitioner.

2. Assailing the order, dated 08.12.2015, passed in Interlocutory Application No.641 of 2015 in Original Suit No.216 of 2007 by the Senior Civil Judge, Karimnagar, the present Civil Revision Petition is filed.

3. The petitioner herein is the defendant in the original suit, who filed the above interlocutory application under Section 2(22) of the Indian Stamp Act, 1899 read with Section 151 of the Code of Civil Procedure, 1908 to declare that the contents of Khararunama do not fall within the meaning of Negotiable Instrument as defined under Section 4 of the Negotiable Instruments Act, 1881.

4. By an order, dated 08.12.2015, the learned Senior Civil Judge, Karimnagar held that the contents of the document, dated 05.06.2005 fall within the definition of promissory note as defined under Section 4 of the Negotiable Instruments Act and accordingly rejected the application.

5. A perusal of the impugned order shows that an issue was framed by the trial Court in the above original suit with regard to admissibility of the document under challenge. Learned counsel for the petitioner ought not to have filed the present interlocutory application since the trial Court has already framed the issue on

this aspect. Hence, it is suffice to dispose of the present revision, advising the trial Court to deal with the issue framed in the suit uninfluenced by any observation made in the said interlocutory application.

6. Accordingly, the Civil Revision Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this revision shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:12.02.2016

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