

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

C.R.P. No.559 of 2016

Between:
Smt. Gullapalli Lakshmi
... Petitioner

And
Dhulipala Sathyanarayana Murthy
... Respondent

JUDGMENT PRONOUNCED ON 11.03.2016

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

- 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
- 2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
- 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

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C.R.P. No.559 2016

ORDER:

This revision petition has been filed aggrieved by the order dated 27.11.2015 passed in I.A. No.519 o 2015 in O.S. No.1063 of 2012 by the VII Additional Senior Civil Judge, Vijayawada.

The revision petitioner and the respondent herein are the defendant and the plaintiff in O.S. No.1063 of 2012.

Brief facts of the case are that the plaintiff filed a suit against the defendant for recovery of certain amount based on a promissory note said to be executed by the defendant in favour of the plaintiff. Whereas, the defendant's contention is that the alleged promissory note is forged one with the assistance of her husband.

In the said suit, the defendant filed I.A. No.519 of 2015 under Order XVI Rule I(3) or 6 and Section 151 CPC seeking to issue summons to the Assistant General Manager, (HR/Admn)/Assistant Public Information Officer, BSNL, Chuttugunta, Vijayawada to cause production of documents i.e. BSNL Conduct, Discipline and Appeal Rules, 2006 containing Rule-5 and Letter No.VJ/LC/RTI Act/85/2010-11/11, dated 13.01.2011 (hereinafter referred to "the documents") and to give evidence by himself or any official or any officially authorized officer on her behalf.

Upon considering the said application, the Court below, vide its impugned order, dismissed the said application holding that to decide the issues involved in the suit the evidence of witness alone to be seen and the summons proposed witness is not relevant. Assailing the same, the defendant filed the present revision petition.

The case of the defendant appears to be that she sought to mark the documents to prove her case but the Court below did not chose to mark them as it felt that those documents are not relevant. Therefore, she filed the said application seeking to summon the Assistant General Manager (HR/Admn.)/Assistant Public Information Officer to cause production of the documents. In the said application, on behalf of the plaintiff counter affidavit was filed denying the allegations of the defendant, *inter alia*, stating that the defendant is not entitled to seek summons to the officer to cause production of the documents and the documents sought for production are not valid, true and correct and the suit is filed by him on 12.07.2009 for recovery of certain amount due under the promissory note dated 12.07.2009 executed by the defendant. Further, it is also stated that the said application was filed only with a view to dragon the matter.

As could be seen, it is an admitted fact that the plaintiff is BSNL employee and the defendant seeking to summon officer of BSNL contending that she obtained the rules as per which, employee of BSNL cannot lend money, and the said copy of rule has not been marked by the Court below. For the said contention, the Court below held that execution of promissory note if proved it will not make any difference whether the conduct rules permits an employee of BSNL to lend money or not. Even the BSNL employee conduct rules prohibits its employees from lending the amount, this is a matter between the employer and the employee and the authorities can take appropriate disciplinary action for violation of conduct rules. Therefore, to decide the issues involved in the suit the evidence of witness alone to be seen and the summons proposed witness is not relevant and accordingly, dismissed the said application.

Except the contentions raised before the Court below, for which, the Court below had rightly made its observations and this Court did not find any fault with the impugned order, no other grounds have been raised before this Court. In that view of the matter, I do not see any reason to interfere with the impugned order as it does not suffer from any legal infirmity and therefore, this revision petition is liable to be dismissed and accordingly, this revision petition is dismissed.

As a sequel, miscellaneous petitions, if any, stands closed.
There shall be no order as to costs.

Date: 11.03.2016
LSK

JUSTICE G.CHANDRAIAH