

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3428 of 2016

ORDER:

The present Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 21.06.2016 passed in I.A.No.93 of 2016 in O.S.No.503 of 2013 on the file of Principal Senior Civil Judge, Chittoor, wherein and whereunder the petition filed under Order 13 Rules 9 and 10 read with Section 151 of CPC seeking to direct the respondent/plaintiff to cause production of the document, was dismissed.

The facts in issue are as under:

The respondent herein filed a suit for recovery of money basing on a promissory note. During pendency of the suit the petitioner herein filed I.A.No.93 of 2016 seeking a direction to the respondent/plaintiff to produce the original chit subscription list contenting that there was a chit transaction between the petitioner and the respondent and after closure of the chit he has not taken the signed blank pronote from the respondent/plaintiff. Though the original chit subscription list is with the respondent/plaintiff but only Xerox copy of subscription list of the subscriber was filed by him. Hence, the defendant filed the above petition seeking a direction to the respondent/plaintiff to cause production of the said subscription list.

The respondent/plaintiff filed counter denying all the

averments made in the affidavit filed in support of the petition contending that there is no such document in his custody and prays to dismiss the petition.

After considering the rival contentions, the trial Court dismissed the said petition. Challenging the same the present Civil Revision Petition is filed.

Learned counsel for the petitioner/defendant submits that except denying the submissions, the plaintiff has not taken any steps to produce any documents to prove the chit transaction between the plaintiff and the defendant. Though the petitioner/defendant submits that the document was in possession of the respondent/plaintiff, but he failed to establish the same.

As seen from the record, respondent/plaintiff stated in his counter that there is no document in his custody either chit transaction or any other transaction. The petitioner also confronted Xerox copy of the subscribers list to PW1 during his cross examination and he denied it. Hence, it appears that the signature of the respondent/plaintiff do not appear on the alleged subscribers list. The petitioner should have taken steps at the early point of time. In the absence of any material to show that the proposed document is in the custody of the respondent/plaintiff, the order under challenge warrants no interference at this stage. The petitioner is always at liberty to agitate all the grounds raised in the original suit, in which event, the same shall be dealt with, in accordance with law.

Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

22.07.2016_____

vhb