

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

[Special Original Jurisdiction]

MONDAY THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION NO. 4039 OF 2016
AND
CIVIL REVISION PETITION No. 4037 OF 2016

Between:

Yekkanti Yedukondalu

...

Petitioner/third party

V/s.

Alladi Raja Manikyam & Ors.

...

Respondents/Plaintiff

.

Counsel for the Petitioner:

Sri GLN Nageswara Rao

Counsel for the Respondents:

None appeared

The court made the following:

[common order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CIVIL REVISION PETITION NO. 4039 OF 2016**
AND
CIVIL REVISION PETITION No. 4037 OF 2016**COMMON ORDER** :

CRP.No. 4039 of 2016 and CRP.No. 4037 of 2016 are filed by the petitioner/plaintiff against the order dated 16/06/2016 passed by the I-Additional Senior Civil Judge, Guntur, Guntur district, in I.A.No. 694 of 2015 and I.A.No.730 of 2015 in OS.No. 123 of 2014 allowing the petitions filed by the respondent/defendant under section 45 of the Indian Evidence Act and Section 151 of CPC seeking to send the suit promissory note dated 25/11/2009 along with the admitted signatures of cheque of Account No. 110810011005565, Andhra Bank, JKC College Branch, Guntur and to summon the Branch Manager, Andhra Bank, JKC College Branch, Guntur for production of cheques of Account No. 110810011005565, Andhra Bank, JKC College Branch, Guntur, pertaining to the year 2009 of the respondent/defendant to the

Government Examiner, A.P. Science Laboratories, Hyderabad for comparison of her signatures with that of the signatures on the suit promissory note.

2. Sri G.V.L. Nageswara Rao, learned counsel appearing for the petitioner/plaintiff submits that admittedly the suit was filed in the year 2012 on the file of the Court of Senior Civil Judge, Addanki, Prakasam district and thereafter the respondent/defendant got transferred the suit to I-Additional Senior Civil Judge, Guntur and the same was re-numbered as O.S.No. 124 of 2014.

3. After hearing the arguments of the learned counsel for the petitioner, this Court put a specific query to the learned counsel for the petitioner/plaintiff that whether the respondent/defendant had taken the defence in her written statement that she did not borrow the amount and not signed on the promissory note as claimed by the respondent/defendant. Learned counsel for the petitioner replied in affirmative. Thus, the respondent/defendant after taking the aforesaid defence has filed the aforesaid

interlocutory applications at the right time to summon the Branch Manager as noted above for comparison of her signatures during the relevant period to prove that she had not borrowed any amount and did not sign on the suit promissory note. The learned trial Judge gave cogent and clinching reasons in allowing the Interlocutory applications on payment of process as well as deposit of expert fee.

4. Finding no merit in these civil revision petitions and accordingly dismissed at the admission stage. No costs.

5. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand disposed of.

JUSTICE SURESH KUMAR KAIT.

21/11//2016
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HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION NO. 4039 OF 2016
AND
CIVIL REVISION PETITION No. 4037 OF 2016
[COMMON ORDER]



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