

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.4404 OF 2016

ORDER :

This Civil Revision Petition is filed against docket order dated 17.08.2016 in I.A.No.27 of 2016 in O.S.No.75 of 2006, wherein the Court below dismissed the application of the petitioner filed under Order 16 Rule 1 of CPC to call the Head Master of Vidyaniketan School to depose evidence with regard to Transfer Certificate.

Though notice is issued and served on the respondents, none appeared on their behalf.

Heard learned counsel for the petitioner, who submits that the respondents are disputing Ex.P1 and since the Head Master is custodian of the TC, it is better that Head Master is called for deposing evidence with regard to Ex.P1, Transfer Certificate.

A perusal of the material on record goes to show that Transfer Certificate is issued by the Head Master of Sree Vidyanikethan and petitioner produced the same. It is for the petitioner to prove Ex.P1 Transfer Certificate and there is nothing wrong in calling the Head Master, who is custodian of Transfer Certificate and also that he is the issuing authority. Though the petitioner filed application belatedly, one more chance can be given to the petitioner.

In view of the same, impugned order dated 17.08.2016 in I.A.No.27 of 2016 in O.S.No.75 of 2006 is set aside. The trial Court shall fix a date for recording evidence of Head Master of Sree Vidyanikethan School, Addaguttapally in respect of Ex.P1

Transfer Certificate and that petitioner shall cooperate for disposal of the suit. Otherwise, it is open for the trial Court to proceed further in the matter.

Accordingly, this Civil Revision Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stands closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

18.11.2016
kvs



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P No.4404 OF 2016



Date: 18 .11.2016

kvs

