

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5412 of 2016

ORDER:

The revision petitioner is the unsuccessful petitioner in I.A.No.341 of 2016 in O.S.No.1011 of 2013 on the file of the II Senior Civil Judge, City Civil Court, Hyderabad, who is defendant to the suit based on a promissory note maintained by the plaintiff, which is Ex.A1-suit document. It is a document containing two contracts. One is about the lending and acknowledgment and the other is about security. So far as the first one concerned, it is not attested and hence it is not a bond. The trial Court observed that it is not a promissory note from the contest of the defendant in saying it is an acknowledgment of the receipt passed for the amount received to pay on demand, without the words of order or bearer, the other requirements to consider the document.

2. The chief affidavit of PW.1/plaintiff already taken on oath as contemplated under Order XVIII Rule 4 C.P.C. and the document is also marked under that provision. It is after hearing on the objection at best to be clarified on the document by the trial Court that it is not a promissory note though in the nomenclature so mentioned by virtue of the

decision of the Court in treating the same as a receipt containing acknowledgement.

3. With the above direction to the lower Court, this Civil Revision Petition is disposed of, without prejudice to the contest of both the parties in the main lis. No order as to costs.

4. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:08.12.2016
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Dr. B. SIVA SANKARA RAO, J

