

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No. 3157 of 2017

Date :21.7.2017

Between :

Palalpothula Laxminarayana S/o Rajaiah
R/o Mahubabad village and mandal
Warangal

Petitioner

And

Manukonda Chits & Finance Pvt Ltd
Rep by its M D Bomma Venkateswarlu S/o Bixam
50 years R/o Venkateswara Bazar
Warangal

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner herein is plaintiff. He instituted O.S. No. 158 of 1999 on the file of the Principal Junior Civil Judge at Mahabubabad for recovery of Rs. 68,400/- from the defendant. On contest, the suit was dismissed. The trial Court gone into the evidence on record and accepted the plea of the defendant that the cheque was materially altered and that claim was barred by limitation and dismissed the suit. Aggrieved thereby, plaintiff filed A.S. No.106 of 2013 wherein he filed I.A. No. 154 2013 to summon Sri K Yadagiri. According to petitioner Sri K Yadagiri was working as Executive Director of defendant company and he has signed the cheque on which petitioner/plaintiff placed heavy reliance. On consideration of the legal position, first Appellate Court has not agreed with the plea of the petitioner/plaintiff in the I.A and dismissed the I.A. Hence, this revision.

2. As briefly noted above, the suit was instituted in the year 1999 and the main reliance in support of the prayer was alleged cheque issued by the defendant in favour of the petitioner as proof of amount borrowed from the petitioner. Thus, the issue was known to the plaintiff when suit was instituted. Defendant was subjected to prosecution in C.C No. 183 of 1997 on the allegation of bouncing of cheque on the ground of insufficient balance in the account. There was serious contest on the issue of issuance of cheque and signing of the cheque by Sri Yadagiri. In fact, on behalf of the defendant specific plea raised was that plaintiff is friend of Sri Yadagiri and the month on the cheque was altered to save limitation and deposited the cheque after 5 months and got it dishonoured and issued false notice to the Directors and that the bank did not notice the corrections made on the cheque.

3. Having regard to these facts as noted in the trial Court judgment, I do not see any error in the decision of the First Appellate Court in rejecting the plea of the petitioner/plaintiff to summon Sri K Yadagiri to depose before the appellate Court. The revision fails and accordingly the same is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:21.07.2017
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