

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.3819 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Order, dated 07.07.2017, passed in I.A.No.210 of 2017 in O.S.No.5 of 2007 by the Junior Civil Judge at Peddapalli, whereby, the petition filed by the petitioner under Order 16 Rule C read with Section 151 of the Code of Civil Procedure, 1908, to summon A.E., Electrical Department, Peddapalli; Branch Manager, A.D.B. Bank, Peddapalli; and the Mandal Revenue Inspector, Peddapalli, was dismissed.

Heard learned counsel for both the sides. Perused the material available on record.

Learned counsel for the petitioner submits that summoning of the said persons is very much relevant for effective adjudication of the suit, but, the trial Court erroneously dismissed the said application.

It has to be seen that the Court below, in the order impugned, had observed that the petitioner has earlier filed I.A.No.209 of 2017 in the suit to receive the Electricity Service connection Pass Book No.855108-1031; Electricity consumption bills, dated 25.01.2015; and

Electricity receipt dated 11.06.2015, and the said petition was dismissed and that therefore, summoning of the said witnesses is not necessary. The Court below further found that though the petitioner contended that the MRI recorded the statements of adjacent persons, the same were not filed by him to prove the same and that the statements dated 19.04.2006 and 19.06.2006 recorded by the MRO were not filed before the Court and that the petitioner took loan from ADB Bank, but he could not file the documents to get it marked as exhibits. It has to be seen that the suit was filed in the year 2007, but, the subject interlocutory application was filed in the year 2017, i.e., after about 10 years from the date of institution of the suit. In view of the above, I do not see any reason to interfere with the impugned order passed by the trial Court, by exercising power under Article 227 of the Constitution of India, as the said order do not suffer from any infirmity.

Accordingly, this Civil Revision Petition is dismissed. No costs.

Pending Miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J

August 04, 2017

eha

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY



CIVIL REVISION PETITION No.3819 of 2017

August 04, 2017

eha