

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.5292 of 2016

ORDER:

Heard Sri K.V.R.Krishna Sharma for petitioner and Smt.V.Umadevi for 1st respondent. Defendant No.1 in O.S.No.80 of 2014 in the Court of Additional Senior Civil Judge, Kurnool is the revision petitioner.

The 1st respondent filed suit to recover suit amount from revision petitioner. The revision petitioner during and in the course of evidence on his side filed I.A.No.288 of 2016 under Order XVI Rules 1 and 2 read with Section 151 of CPC to issue summons to DW2 once again for production of documents referred in the petition.

The learned counsel for petitioner contends that petitioner is principally joining issue with 1st respondent on the instalments said to have been paid by him which are not given proper credit by the 1st respondent bank. Learned counsel relies upon the statement of account of Southern Power Distribution Company of Andhra Pradesh Limited to show that instalments are in fact deducted from salary of petitioner and are credited to the loan account still they are not properly shown in the statement filed by the 1st respondent in the Court below.

The learned trial Judge after taking note of the outcome of summoning DW2 and also the oral evidence recorded in this behalf particularly by referring to the failure in disclosing the details dismissed the application.

After hearing the learned counsel for the petitioner and also perusing the order impugned in the revision, *prima facie*, I am of the view that no exception to the findings recorded by the trial Court can be discerned.

On the above short ground, the Civil Revision Petition is dismissed.

While dismissing the revision, the Court takes note of the request of the counsel for petitioner that the petitioner may be permitted to prove instalments in the manner prescribed by law. The statement is placed on record. As and when such step is taken, the trial Court considers the request and passes orders. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Revision Petition, shall stand closed.

S.V. BHATT, J

18th January, 2017
ssp