

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.7024 of 2017

Date:22.12.2017

Between.

Guthula Venkata Narayana,
S/o G.Somayya

..... Petitioner

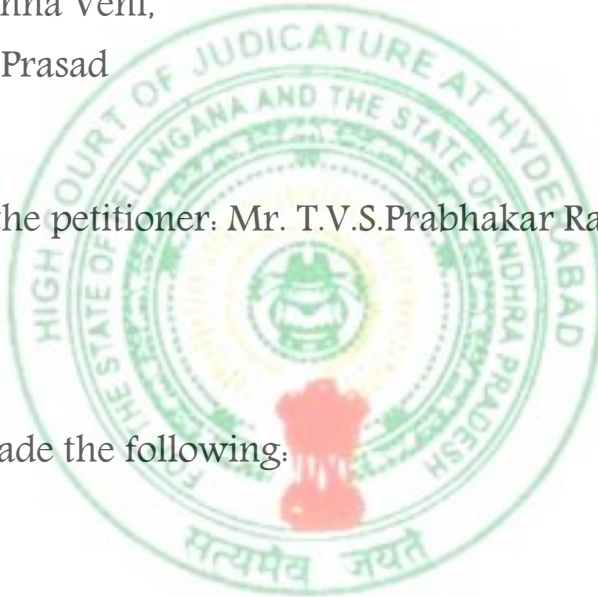
And.

Guthula Krishna Veni,
W/o G.Satya Prasad

.....Respondent

Counsel for the petitioner: Mr. T.V.S.Prabhakar Rao

The Court made the following:



ORDER:

This Civil Revision Petition arises out of order, dated 27.11.2017, in IA.No.690 of 2017 in O.S.No.121 of 2015 on the file of the Senior Civil Judge, Chodavaram.

The respondent-plaintiff filed the afore-mentioned suit for recovery of money based on a promissory note, dated 18.8.2014, executed by the petitioner. After the evidence on the respondent's side was closed, the petitioner-defendant examined himself as D.W-1 and the said suit was coming up for further evidence. At that stage, the petitioner filed an application under Order-XVI Rule-1 C.P.C. before the Court below for issuing witness summons to one Guthula Satya Prasad, who is no other than the husband of the respondent, for causing production of promissory note, dated 08.8.2014, said to have been executed by the petitioner. This application having been dismissed by the Court below, the defendant filed this Civil Revision Petition.

A perusal of the written statement filed by the petitioner in the said suit shows that he has averred therein that the suit promissory note was fabricated and brought into existence for unlawful gain. The petitioner further averred that the signature appearing in the suit promissory note does not belong to him and that the same is a forged one. The petitioner also referred to the husband of the respondent causing a lawyer's notice to him

alleging that he has borrowed a sum of Rs.3 lakhs under a demand promissory note, dated 08.8.2014, the execution of which was also denied by him.

Mr. T.V.S.Prabhakar Rao, learned counsel for the petitioner, submitted that as the husband of the respondent has demanded money under a forged pronote, dated 08.8.2014, the petitioner wants to expose the falsity of the whole claim of the respondent and her husband by summoning the latter along with pronote, dated 08.8.2014.

In my opinion, the whole purpose of summoning the husband of the respondent along with the promissory note, dated 08.8.2014, is a futile exercise because the outcome of the present suit does not depend upon the question whether the claim of the respondent that the petitioner executed a promissory note on 08.8.2014 was correct or not. It is not the case of the petitioner that any issue was framed on the genuineness or otherwise of the suit promissory note, dated 18.8.2014, allegedly executed by him in favour of the respondent.

The petitioner having denied the execution of the suit promissory note, the outcome of the said suit depends only upon the question whether the suit promissory note was executed by him or not.

In the light of these admitted facts, as rightly opined by the Court below, no purpose will be served by summoning the husband of the respondent, who, in any event, would not depose in favour of the petitioner.

For the afore-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel, CRPMP.No.9026 of 2017 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

22nd December 2017

DR

