

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.118 of 2018

Order:

Aggrieved by the dismissal of his applications for reopen and recall of P.W.1, the 1st defendant in a suit for recovery of money has come up with the above civil revision petition.

2. Heard Mr. Yallabandi Ramatirtha, learned counsel for the petitioner.

3. Normally two civil revision petitions should be filed. It appears that two revisions were filed but only one got numbered and posted today.

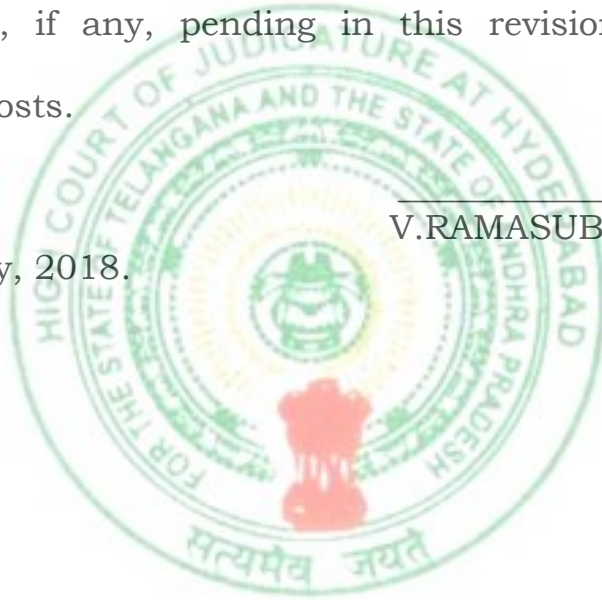
4. The applications taken out by the petitioner for reopening and recalling P.W.1 were dismissed by the Trial Court on the short ground that the petitioner already had the benefit of reopen and recall once, for further cross-examination of P.W.1 on the issue of his capacity to lend money. But the grievance of the petitioner is that after the first opportunity, some new documents came into his possession. The new documents were the Income Tax Returns marked by the 1st respondent/plaintiff in a proceeding initiated by him under Section 138 of the Negotiable Instruments Act, 1881. Therefore, the petitioner wants reopening and recalling to confront P.W.1 with the contents of the Income Tax Returns.

5. The Court below was right in pointing out that for eliciting financial capability of the plaintiff, repeated

applications for reopen and recall cannot be filed. If the respondent has marked his Income Tax Returns in the proceedings under Section 138 of the Negotiable Instruments Act, 1881, it is always open to the petitioner to obtain certified copies and mark them while adducing evidence on his side. It is not a case for repeated reopening and recalling. Therefore, the civil revision petition is dismissed. It will be open to the petitioner to mark certified copies of those documents during his evidence. The interlocutory applications, if any, pending in this revision shall stand closed. No costs.

05th January, 2018.
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V.RAMASUBRAMANIAN, J.



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