

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.R.P.No.371 of 2018

ORDER:

This revision petition is filed under Article 227 of the Constitution of India assailing the orders dated 27.11.2017 passed in I.A.No.869 of 2017 in O.S.No.852 of 2011 on the file of VIII Additional District Court, Ranga Reddy District.

2. Heard the learned counsel appearing for both the parties and perused the material available on record.

3. A perusal of the record reveals that the respondent filed O.S.No.852 of 2011 on the file of the VIII Additional District Court, Ranga Reddy District, against the petitioner for recovery of suit amount basing on Exs.A1 and A2 promissory notes. During pendency of the suit, the petitioner filed a petition under Order XIII Rule 10 CPC to call for four promissory notes filed in C.C.No.538 of 2011.

4. The respondent filed counter *inter alia* contending that the promissory notes filed in C.C.No.538 of 2011 have nothing to do with the suit transaction.

5. The trial Court after affording a reasonable opportunity to both parties, dismissed the petition. Hence, the revision.

6. The point that arises for consideration is:

“Whether there is any illegality, irregularity or impropriety in the impugned order?”

7. The admitted facts that can be culled out from the pleadings are that the respondent filed O.S.No.852 of 2011 against the petitioner for recovery of suit amount basing on Exs.A1 and A2 promissory notes. After completion of the respondent's side evidence, the petitioner filed his chief-examination affidavit. At that stage, the petitioner filed the present petition to call for the promissory notes filed in C.C.No.538 of 2011. The petitioner is not disputing his signatures on Exs.A1 and A2 promissory notes.

8. I have carefully perused the affidavit filed by the petitioner before the trial Court. There is no mention in the affidavit how those four promissory notes will substantiate the stand taken by the respondent. The petitioner simply filed an affidavit seeking to call for four promissory notes. No reasons much less cogent and valid reasons are assigned to call for the documents in C.C.No.538 of 2011. Even if those documents are received, the same may not be helpful to the petitioner to substantiate his stand. The trial Court considered the material available on record in right perspective and dismissed the petition. The trial Court has assigned reasons much less cogent and valid reasons to its findings. This Court shall not lightly interfere with the discretionary orders passed by the trial Court unless there is a manifest error apparent on the face of the record. I am fully endorsing with the findings recorded by the trial Court. The trial Court has exercised its discretionary power judiciously basing on sound principles of law. There is no illegality, irregularity or impropriety in the orders of the trial Court warranting interference

of this Court, while exercising the jurisdiction under Article 227 of the Constitution of India. Hence, the petition is liable to be dismissed.

9. In the result, the Civil Revision Petition is dismissed. There is no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.SUNIL CHOWDARY, J

Dt:03.12.2018

Rns

