

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.5286 OF 2016

ORDER:

Heard learned counsel appearing for parties.

Plaintiff in O.S.No.76 of 2008 in the Court of the Junior Civil Judge, Peddapalli is revision petitioner. The revision petitioner filed I.A.No.185 of 2016 under Order 16 Rule 1 of CPC requesting to issue summons to Sri Mohd.Za-ul Haque, Advocate, to give evidence on his behalf.

The averments, in brief, are that the respondent-defendant got issued Ex.A-12-legal notice through Sri Mohd.Za-ul Haque and to prove the same, summoning of Sri Mohd.Za-ul Haque is necessary to give evidence in that regard.

The respondent herein opposed the prayer stating that no such legal notice was issued to the petitioner through Sri Mohd.Za-ul Haque and, therefore, there is no necessity to call Sri Mohd.Za-ul Haque to give evidence.

The learned trial Judge through the order impugned in the revision while dismissing the prayer held as follows :-

“Perused the record which reveals that the petitioner/plaintiff filed this petition when the suit is coming for further evidence of plaintiff. Perused Ex.A12 which is issued by Advocate Sri Mohd.Zia-ul Haque. The Ex.A17 in which the Advocate Sri Mohd.Zia-ul Haque, certified that he issued Ex.A12 in the name of defendant on the letter head of Mohd.Kaleem-ul-Haque. After perusal of Ex.A12 and 17 Court feels that if the petition is allowed to summon the above Advocate, he will come and state that he issued Ex.A12 to the plaintiff on behalf of his client i.e., respondent/defendant. Therefore the request of the petitioner is not a bonafide and no purpose

would be served to the petitioner as the above Advocate clearly stated that he issued Ex.A12.”

I have perused the record. The trial Court has rightly dismissed the application filed by petitioner-plaintiff. This Court is in agreement with the reasons recorded by the trial Court. No ground warranting interference under Article 227 of the Constitution of India is made out.

The Civil Revision Petition fails and is, accordingly, dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

Date:28-08-2018
Prv



S.V.BHATT, J