

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.1882 of 2018

Order:

Aggrieved by the dismissal of a petition for summoning certain documents from the office of the District Collector, the defendants in a suit for recovery of money based upon a promissory note have come up with the above revision.

2. Heard Mr. Narasimha Rao Gudiseva, learned counsel for the petitioners.

3. The respondent filed a suit in O.S.No.192 of 2016 for recovery of a sum of Rs.5,60,200/- based upon a promissory note allegedly executed by the petitioners on 10-8-2014. The petitioners herein filed a written statement completely denying the borrowal of money and the execution of promissory note. The petitioners took a stand that the suit was filed based upon a forged and fabricated promissory note and that they never owed any money to the plaintiff.

4. The suit was taken up for trial and after the evidence on the side of the plaintiff was over and the case was listed for evidence on the side of the defendants, the petitioners took out an application for the issue of summons to the District Collector to cause the production of a complaint made by the plaintiff before Prajavani and also to issue summons to the Superintendent of Police, Krishna District, to produce the statements recorded by the Inspector of Police from the plaintiff as well as the defendants. This application was dismissed by the

Trial Court forcing the defendants to come up with the above revision.

5. At the outset, it should be pointed out that the suit is one for recovery of money based upon a promissory note. The defence taken by the petitioners is one of total denial. Therefore, primarily it is for the plaintiff to prove the lending of money and the execution of the promissory note.

6. According to the petitioners, the plaintiff made a representation before Prajavani on 02-02-2015 for taking action against the petitioners for their failure to pay the chit amounts to the highest bidder in the chit auction conducted by the petitioners. This according to the petitioners, would falsify the suit claim.

7. I do not know how the same will advance the cause of the petitioners. As I have pointed out earlier, it is for the plaintiff to prove the lending of money and the execution of the promissory note. Any complaint made or statement given by the plaintiff before the District Collector or Superintendent of Police about some chit transactions, may have no bearing upon the present suit. In fact, the petitioners ought to have cross-examined the plaintiff, if at all the plaintiff had given a complaint and some action was taken by Prajavani.

8. Therefore, I find no merits in the revision, hence it is dismissed. The applications, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

06th April, 2018.

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