

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION Nos.1912 and 1918 of 2018

23.03.2018

Between:

G.Satyanarayana

..Petitioner

and

Dr.Sasi Prabha and another

..Respondents

Counsel for the petitioner: Mr.Muddu Vijai

Counsel for the respondents: --

The Court made the following:



COMMON ORDER:

These two Civil Revision Petitions arise out of common order, dated 01.02.2018, in I.A.Nos.984 and 983 of 2017 respectively in O.S.No.470 of 2011 on the file of learned XII Additional District Judge, Visakhapatnam.

2. The aforementioned applications filed by the petitioner/plaintiff for reopening the suit and summoning the bank officials of State Bank of Hyderabad, N.R.I. Branch, Visakhapatnam and HDFC Bank, Visakhapatnam Branch for production of photocopies of the cheques issued by P.W.3 - B.Govinda Rao, which were deposited by the petitioner/plaintiff, having been dismissed by the Court below, the petitioner/plaintiff filed these C.R.Ps.

3. A perusal of the common order of the Court below shows that the suit is of the year 2011; that the defendants' evidence was closed on 29.06.2017 and the case was posted to 06.07.2017 for arguments; that the counsel appearing for the petitioner/plaintiff before the Court below failed to address arguments on six occasions and thereafter, the petitioner/plaintiff filed I.As. to recall P.W.3 and that the Court below was considerate in allowing the said I.As. and accordingly, P.W.3 was examined on 03.11.2017. That after closure of the evidence, the Court below adjourned the case for arguments to 10.11.2017 and further to 17.11.2017, as a last chance. That as the counsel for the

petitioner/plaintiff did not advance arguments, the case was further adjourned to 23.11.2017 on costs and at that stage, the petitioner/plaintiff filed the aforementioned two applications *viz.*, I.A.Nos.984 and 983 of 2017. The conduct of the petitioner/plaintiff shows that instead of cooperating with the Court below for disposal of the suit, he has been resorting to filing successive applications. When the suit filed by him is for recovery of certain amounts stated to have been due by the respondents Trust, the burden lies on him to produce the relevant evidence to establish his claim. The alleged involvement or otherwise of P.W.3 in the transactions between the petitioner/plaintiff and the respondents Trust, in my opinion, is too remote, to impact the outcome of the suit for which the petitioner/plaintiff cannot file repeated applications resulting in procrastinating the suit proceedings.

4. For the aforementioned reasons, I do not find any merit in these Civil Revision Petitions and the same are, accordingly, dismissed.

5. As a sequel to dismissal of these C.R.Ps., I.A.No.1 of 2018 in C.R.P.No.1912 of 2018 and I.A.No.1 of 2018 in C.R.P.No.1918 of 2018 filed by the petitioner for interim reliefs shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

23rd March, 2018

GHN