

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.2280 OF 2018

Date:25.10.2018

Between:

Gude Srinivasa Rao, S/o. Venkateswarlu,
Age 43 years, Occ: Business, R/o. Plot No.507,
Avanthi Enclave, Akshaya Towers, Madinaguda,
Hyderabad, Ranga Reddy District .. Petitioner

And

Kolli Kutumba Rao, S/o. Purna Chandra
Rao, Age 49 years, R/o.D.No.12-135,
Srinagar Colony, Patancheruvu, Hyderabad,
Ranga Reddy District and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**CIVIL REVISION PETITION No.2280 OF 2018****ORDER:**

Heard learned counsel for the petitioner. Though notices are served, no appearance is entered on behalf of the respondents.

2. Petitioner filed I.A.No.2582 of 2017 in I.P.No.13 of 2013 pending in the Court of Additional Senior Civil Judge, Eluru, praying to call for the original documents i.e., promissory notes which are marked as Exs.A1 to A4 in O.S.No.94 of 2012 on the file of the Principal District Judge, Elugu, which was pending for orders in I.A.No.709 of 2017. The said application was dismissed by order dated 12.02.2018, against which the present revision is preferred.

3. By taking through the order passed by the Court below, learned counsel for the petitioner would contend that the application was dismissed on an erroneous ground that the petitioner was requesting for production of copy of bank account transactions and the entire discussion in the order was revolving around the savings bank account.

4. It is apparent from the record that there is no discussion on the reasons urged in the application calling for the original documents marked as Exs.A1 to A4 in O.S.No.94 of 2012. But, the entire discussion is on the bank transactions and the Court below apparently proceeded as if petitioner was requesting for calling of the statement of bank account. Though there is a mention regarding the promissory notes also, but it is again not referable to

documents marked in another case, which are sought to be called. It is thus apparent that the Court below erred in not appreciating the plea of the petitioner while deciding the issue as prayed in the application.

5. Hence, the Civil Revision Petition is allowed. The order under revision is set aside and the matter is remitted to the Court below for consideration of I.A.No.2582 of 2017 afresh after affording due opportunity to both the parties. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:25.10.2018

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P. NAVEEN RAO, J

