

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.2247 of 2018

ORDER:

This revision petition is filed under Article 227 of the Constitution of India assailing the orders dated 24.10.2017 passed in I.A.No.3273 of 2017 in O.S.No.114 of 2013 on the file of the Court of Senior Civil Judge, Proddatur, Kadapa District.

2. Heard the learned counsel for the petitioner and perused the material available on record.

3. The facts leading to filing of the present revision are, briefly, as follows: The respondent filed O.S.No.114 of 2013 on the file of the Court of Senior Civil Judge, Proddatur, Kadapa District, against the petitioner for recovery of an amount of Rs.2,51,500/- with interest.

4. The suit was coming up for petitioner's (defendant) side evidence. The petitioner filed I.A.No.3273 of 2017 under Order VIII Rule 1(A) read with Section 151 of CPC to receive the documents. The trial Court after affording a reasonable opportunity to both parties arrived at a conclusion that the proposed documents are no way connected with the suit and dismissed the petition. Hence, the present revision.

5. Now, the point that arises for consideration is:

“Whether the impugned order is sustainable or not?”

6. The respondent filed a suit in O.S.No.114 of 2013 against the petitioner for recovery of an amount of Rs.2,51,500/-. The

petitioner filed written statement opposing the claim of the respondent. After completion of the respondent side evidence, the matter was posted for petitioner's side evidence. At that time, the petitioner filed I.A.No.3273 of 2017 to receive the documents. The documents, on which the petitioner placed reliance, are copy of FIR and Section 161 Cr.P.C. statements. Even if the above documents are received, the recitals of those documents will not throw any light on the controversy involved in the suit. It is the case of the petitioner that he handed over his ATM card to the respondent, who in turn withdrawn the money. This aspect can be proved by the petitioner even in the absence of above referred documents. There is no mention in the affidavit that he elicited something from the respondent side witnesses with regard to these documents. The petitioner has not assigned reasons much less cogent and valid reasons for non-filing of these documents for all these days. As observed earlier, these documents have nothing to do with the *lis* involved in the suit. The trial Court considered all these aspects and dismissed the petition. The trial Court has assigned reasons much less valid reasons. I am fully endorsing with the findings recorded by the trial Court.

7. Taking into consideration the facts and circumstances of the case, I am of the considered view that there is no illegality or irregularity in the orders passed by the trial Court, which warrants interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India. The revision petition lacks merits and *bona fides* and the same is liable to be dismissed.

8. Accordingly, Civil Revision Petition is dismissed at the stage of admission. As a sequel, the miscellaneous petitions, pending if any in this revision, shall stand closed.

T.SUNIL CHOWDARY, J

13th April 2018
Rns

