

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.2542 OF 2018

Dated:13.07.2018

Between:

Manoj Kumar Vaidya, S/o. Laxman Rao,
Age: 47 years, Occ: Govt. Teacher,
R/o. Bodan Town of Nizamabad District

.. Petitioner

And

Chidurala Shaym Sunder, S/o. Mallesham,
Aged 48 years, H.No.5-91/1 (old), 2-461
(New), Main Road, Madikonda Village,
Hanamkonda Mandal, Warangal
District

.. Respondent



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**CIVIL REVISION PETITION No.2542 OF 2018****ORDER:**

Heard.

2. Petitioner filed I.A.No.730 of 2017 in O.S.No.596 of 2012 on the file of I Additional Senior Civil Judge, Warangal, under Order XVI Rules 2 and 3 read with Section 151 C.P.C., to issue witness summons to a person by name Sri N. Sridhar claimed to be working as Section Clerk in the Office of the District Educational Officer, Nizamabad, to give evidence on Exs.B9 to B11.

3. According to learned counsel for the petitioner, the day on which the alleged promissory note was executed, petitioner was actually attending to the transfer counseling held in the office of the District Educational Officer, Nizamabad, and therefore, the alleged transaction is a sham transaction. Exs.B9 is claimed to be the attendance certificate. According to him, Sri N. Sridhar was working as Section Clerk in the office of the District Educational Officer and he is the person to say that the certificate was issued and to prove the factum of petitioner attending to counseling process on the crucial date. The trial Court found that Ex.B11 is the certificate issued by the Head Master of Z.P.H.S. Karegoan, stating that the petitioner was transferred from Z.P.H.S., Karegoan to Z.P.S.S. Pentakurdh, Bodhan Mandal. Further, Ex.B9 is attendance certificate issued by the District Educational Officer, Nizamabad, dated 05.06.2014 informing about the attendance counseling on 19.07.2009. Further, Ex.B10 is the order of transfer signed by the District Educational Officer. The trial Court noticed

that the person who was sought to be examined is neither the District Educational Officer nor the Head Master, but a Section Clerk. As he is not the author of the documents said to be relied upon, to prove authenticity, no useful purpose would be served in calling him as a witness. The trial Court also noted that the Government Official should not be summoned for examination unless there is a specific purpose in calling them. Therefore, this Court does not find any illegality in the order passed by the trial Court warranting interference.

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

Miscellaneous Petitions, if any, filed in this Civil Revision Petition shall stand closed.

Date:13.07.2018

KH

P. NAVEEN RAO, J

