

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

CIVIL REVISION PETITION NO.3493 OF 2018

DATED:06-07-2018

Between:

Velpula Vijay Kumar
and another

... Petitioners

And

Andhra Bank
Rep. by its Branch Manager
Markondaputti Branch
Visakhapatnam Dist.

... Respondent

COUNSEL FOR THE PETITIONERS: Ms. B. Geetanjali Devi,
for Dr. P.B. Vijay Kumar

COUNSEL FOR THE RESPONDENT: -

THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.10.04.2018 in I.A. No.79 of 2018 in O.S. No.347 of 2008 on the file of the XII Additional District Judge, Visakhapatnam.

The petitioners, who are the defendants in the suit filed by the respondent for recovery of money, filed this civil revision petition feeling aggrieved by the order of the lower Court permitting the respondent to adduce the evidence of P.W.3, who is having acquaintance with the handwritings of the petitioners. Having considered the objections of the petitioners to the examination of P.W.3 on the ground that it runs contrary to the conditional order passed by the lower Court in I.A. No.421 of 2017 while restoring the suit dismissed for default, the lower Court has allowed I.A. No.79 of 2018 permitting P.W.3 to adduce his evidence.

When the respondent - plaintiff has pleaded that the evidence of the aforesaid witness is necessary, it cannot be denied such opportunity on technicalities and that the petitioners failed to prove any prejudice if the proposed witness is examined. Having carefully considered the reasons assigned by the lower Court, I am entirely in agreement with the order of the lower Court.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, I.A.

No.2 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

06-07-2018

bmr

