

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

CIVIL REVISION PETITION NO.3478 OF 2018

DATED:06-07-2018

Between:

Thutta Tirupathi Rao ... Petitioner

And

Andhra Bank
Rep. by its Branch Manager
Markondaputti Branch
Visakhapatnam District ... Respondent

COUNSEL FOR THE PETITIONER: 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.2 of 2018 in O.S. No.347 of 2008 on the file of the XII Additional District Judge, Visakhapatnam.

The petitioner, who is defendant No.2 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 dismissing I.A. No.2 of 2018 to return/reject the evidence of P.W.3 who is having acquaintance with the handwriting of the petitioner. Having considered the objections of the petitioner 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 dismissed the I.A. No.2 of 2018 filed by the petitioner.

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 petitioner 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.1 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

06-07-2018

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