

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.3975 OF 2018

O R D E R

The petitioner is the defendant in O.S.No.832 of 2012 on the file of the learned VIII Additional District Judge, Ranga Reddy District at L.B.Nagar. He filed I.A.No.166 of 2018 therein under Order 12 Rule 8 read with Order 11 Rules 14, 16 and 21 CPC seeking a direction to the plaintiff in the suit to produce his admitted handwritings of the period 2003-04 for the purpose of comparison with Exs.B1 and B2 hand-notes allegedly executed by the plaintiff. By common order dated 25.04.2018, the trial Court dismissed I.A.No.166 of 2018 filed in the suit along with other I.As. The trial Court relied on a decision of this Court in LIFE INSURANCE CORPORATION CO-OPERATIVE HOUSING SOCIETY V/ s. M.A.JABBAR¹ and opined that the principle of *res judicata* would bar the defendant from maintaining the subject I.A. The trial Court found that no grounds were made out to direct the plaintiff to produce the handwritings as sought for inasmuch as Exs.B1 and B2 did not contain any signature, date or attestation by any witness. The trial Court accordingly dismissed the subject I.A. along with other I.As.

By order dated 13.07.2018, this Court granted interim stay of further proceedings in the suit.

Heard Sri Ravi Kumar Toleti, learned counsel for the petitioner-defendant, and Sri Ch.N.Meherbaba, learned counsel representing Sri V.V.Prabhakara Rao, learned counsel for the respondent-plaintiff.

Parties shall hereinafter be referred to as arrayed in the suit.

Perusal of the affidavit filed in support of the subject I.A. reflects that the defendant relied upon the statement of the plaintiff in his cross-examination as P.W.1 that he could present papers containing his handwritings. The defendant stated that the writings offered by the plaintiff before the Court were written for

¹ 1995 (2) ALD 52

his own convenience and it was therefore just and necessary that his admitted writings be produced for comparison with the handwritten notes, Exs.B1 and B2.

In his counter, the plaintiff stated that there were no documents available with him dating back to the period 2003-04.

Perusal of the Notice Memo dated 16.02.2018 filed by the defendant under Order 12 Rule 8 CPC reflects that he mentioned various documents in which the writings of the plaintiff may be available. These include the personal service register of the plaintiff, representations and applications submitted by him to his employer, personal diary, telephone diary, account books, applications for banking loans, LIC loans, society loans, etc.

It is clear from the aforestated Memo that the defendant is not even aware as to whether any contemporaneous documents of the period 2003-04 exist in the handwriting of the plaintiff which can be called for.

It appears that the petitioner seeks a roving enquiry to ascertain as to whether any such documents exist. The order of the trial Court refusing to accept his plea in this regard therefore does not warrant interference.

The civil revision petition is devoid of merit and is accordingly dismissed. Interim order dated 13.07.2018 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

21st DECEMBER, 2018

Sv

SANJAY KUMAR, J