

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.4375 and 4488 of 2018

Common Order:

Aggrieved by the dismissal of applications for reopening and recalling P.W.2, the sole defendant in a suit for recovery of money on a promissory note has come up with the above civil revision petitions.

2. Heard Mr. Yallabandi Ramatirtha, learned counsel for the petitioner.

3. The suit was based upon a promissory note. P.W.1 was the plaintiff. He was admittedly cross-examined to the heart's content of the petitioner. But according to the petitioner, P.W.2 who is one of the attestors was not fully cross-examined. Therefore, he filed applications for reopening and recalling, but the Trial Court dismissed the same. Hence, the present revisions.

4. Absolutely no reasons are stated in the Affidavit in support of the applications for reopening and recall.

Paragraph-2 of the Affidavit reads as follows:

“2. I submit that the respondent filed the above suit against me basing on the alleged pronote. I respectfully submitted that I never borrowed and alleged amount of Rs.5,00,000/- and never executed any promissory note in favour of the respondent at any point of time and I filed my detailed written statement and denied the contents of the respondent/plaintiff. My written statement may be read as part and parcel of this affidavit. I further submit that on the date of cross-examination PW-2 I forgot giving some instructions for my counsel and when it come in to light facts of this case I will gave instructions to my counsel of

this case it is highly essential to prove my innocence of this case. The Honourable court called me and closed the evidence as the respondent/plaintiff and it was posted to defendant evidence to 04.06.2018.”

5. Therefore, the dismissal of these applications by the Trial Court cannot be found fault with. Hence, the civil revision petitions are dismissed. The interlocutory applications, if any, pending in these revisions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

03rd August, 2018.
Ak



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.4375 and 4488 of 2018
(Common Order)



03rd August, 2018.
(Ak)