

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.4268 OF 2018

ORDER:

Heard Mr.Venkateswar Varanasi for petitioner.

The defendant in O.S No.31 of 2013 in the Court of Senior Civil Judge, Manthani, is the revision petitioner.

The respondent herein filed O.S No.31 of 2013 for recovery of money. The revision petitioner filed I.A. No.99 of 2018 under Order 16 Rule 1 (2) and (3) read with Section 151 of the Civil Procedure Code to summon the scribe of pronote-Ex.A1. The trial Court dismissed I.A. No.99 of 2018. Hence, the CRP.

The case of revision petitioner is that though the respondent examined two witnesses, did not choose to examine the scribe of promissory note. Examination of scribe of Ex.A1 is necessary as he is material witness for proper adjudication of the suit. It is further stated that revision petitioner's valuable rights are involved in this case.

The respondent/plaintiff filed counter affidavit stating that plaintiff has got right to whom he has to examine in support of his case and that PWs1 and 2 corroborated the case of the plaintiff and it is not necessary to examine any other witness.

The trial Court considered the facts and circumstances of the case and held that the respondent has the choice to examine the witnesses as per the procedure and that respondent/plaintiff has not violated the procedure.

I have perused the record. This Court is of the view that there are no grounds to interfere with the order impugned in the revision

under Article 227 of the Constitution of India. The revision fails and is accordingly dismissed. No order as to costs.

The trial Court considers and disposes of the suit within three months from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 01.10.2018
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