

THE HON'BLE SRI JUSTICE S.V.BHATT
CIVIL REVISION PETITION No.2313 OF 2011

ORDER:

Heard Mr.Vedula Srinivas, counsel for the petitioner.

2. The first defendant is the revision petitioner. The suit O.S.No.2009 of 2007 on the file of VIII Junior Civil Judge, City Civil Court, Hyderabad, is filed for recovery of amount by the 1st respondent, the Vishnu Chits Private Limited. One of the objections raised by the revision petitioner is that the suit is not within the period of limitation. The plea in this behalf is that the cash payment receipt, by reference to which the suit is filed within the period of limitation, was not executed by the revision petitioner and it is a forged and fabricated document. Under these circumstances, I.A.No.1075 of 2010 is filed to send the signature on the said document for opinion of an expert. The trial Court, by order, dated 15.12.2010, rejected the application of the petitioner. The objection raised by Mr.Vedula Srinivas, counsel for the petitioner is that the reasoning of the trial Court for refusing the prayer cannot be treated as reasoning at all, for which it merely referred to the averments in I.A. and counter and dismissed the prayer.

3. After perusing the order, dated 15.12.2010, this Court is also of the view that the trial Court would have done better if reasons for not sending the document for expert opinion at the instance of the revision petitioner are stated.

4. Be that as it may, the responsibility is on the 1st respondent to prove that the suit is within the period of limitation. For the said

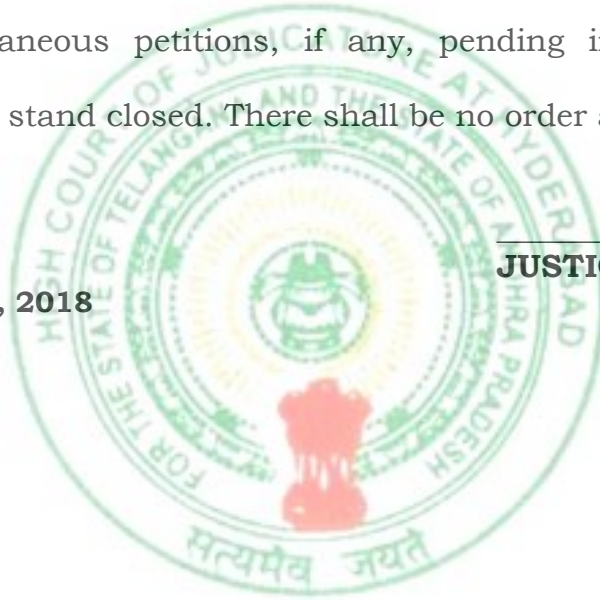
purpose, the 1st respondent placed reliance on the cash payment receipt. It is needless to observe, the burden is not on the revision petitioner/1st defendant to discharge. Assuming burden now at this stage by revision petitioner is also not warranted.

5. For the above reasons, the Civil Revision Petition is dismissed, however, at appropriate stage, the revision petitioner feels that onus was shifted to him steps, as necessary, including the remedy available under Section 73 of the Evidence Act, may be pressed into service.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

OCTOBER 03, 2018
YVL

JUSTICE S.V. BHATT



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Dt: 03.10.2018

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