

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.5814 of 2018

ORDER:

This Revision is filed assailing the order dt.13-08-2018 in I.A.No.198 of 2018 in O.S.No.391 of 2013 of the Principal Senior Civil Judge, Tirupati.

2. Petitioner is defendant in the suit. The suit was filed by respondent for recovery of money on the basis of a promissory note.

3. The petitioner filed written statement stating that the promissory note is a forged document.

4. After issues were framed, trial commenced and P.Ws.1 and 2 were examined and cross-examined.

5. According to the petitioner, during the cross-examination of P.W.2, the scribe, certain photographs to identify the petitioner were shown and he admitted that he could not identify the petitioner.

6. On the basis of this material, petitioner filed I.A.No.198 of 2018 to recall P.W.1 to also question P.W.1 regarding the photographs.

7. By order dt.13-08-2018, the Court below dismissed the said application. It held that during cross-examination of P.W.1, P.W.1 stated categorically that the petitioner was his friend for the last 7 years and this statement was not denied. It also held that even if P.W.2 did not identify petitioner in the passport photograph shown, it would not

mean that respondent/P.W.1 cannot identify the petitioner. It is also stated that filing of this application is with an intention to delay the proceedings in the suit.

8. Assailing the same, this Revision is filed.

9. Though learned counsel for petitioner sought to contend that it is necessary to recall P.W.1 to ascertain whether he can identify petitioner or not, having regard to the statement of P.W.1 that he knew the petitioner for about 7 years and there was no attempt at that point of time to deny the said statement or confronting the photographs, I am of the view that petitioner is not entitled to any relief and the Court below has rightly dismissed I.A.No.198 of 2018.

10. Accordingly the Revision fails and it is dismissed at the stage of admission. No costs.

11. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

Date : 05-10-2018
Vsv