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

**CRP.Nos.902, 915 and 937 of 2019**

**COMMON ORDER:**

These three Revisions arise out of the same suit between the same parties and so they are being disposed of by this common order.

2. Petitioner in all these Revisions is the defendant in suit O.S.No.207 of 2012 on the file of the I Additional Chief Judge, City Civil Court, Secunderabad.

3. The respondent filed the above suit for recovery of money from the petitioner on the basis of a promissory note allegedly executed by the petitioner on 07.12.2009.

4. Written statement was filed by the petitioner opposing the suit claim and taking a plea that the said promissory note is a fabricated and forged document and he never executed any such document in favour of the respondent.

5. At the stage of arguments, petitioner filed three applications: I.A.No.1912 of 2018 to re-open the evidence of PW1, I.A.No.1913 of 2018 to re-call PW1 for further cross-examination, and I.A.No.1914 of 2018 to direct PW1 to produce his income tax returns for the financial year 2009-2010.

6. It is the contention of the petitioner in these applications that a notice under Order 12 Rule 8 CPC was issued by the

petitioner to the respondent on 07.03.2017 to produce his income tax returns and bank statement but the respondent produced only cash book signed by him and his Chartered Accountant along with Balance Sheet dt.31.03.2010 and it has come to the knowledge of the petitioner that the respondent did not file any income tax returns referring to the entries of the cash book filed before the Court below for the year 2009-2010 reflecting the suit transaction. He therefore sought for production of the income tax returns for the year 2009-2010 with the acknowledgment of the Income Tax Department about proof of submission of returns and to re-open the evidence of the respondent and to re-call PW1 for further cross-examination.

7. Counter affidavit was filed by the respondent opposing these applications and contending that he had filed a Memo enclosing true copy of his income tax returns for the financial year 2009-2010 which contains the details of his cash book, bank book and general ledgers certified by the Chartered Accountant. He contended that the documents sought by the petitioner are not relied upon by the respondent in his pleadings and filing of these applications is only to protract the litigation.

8. By order dt.25.02.2019, the Court below dismissed these applications. It held that the only issue before the Court is whether the respondent is entitled to recover the amount claimed in the suit and whether the suit promissory note is a forged and fabricated document, and on these issues evidence has already

been led and the petitioner cannot now seek for a direction to the respondent to produce the income tax returns. Certain observations are also made about the relevancy of income tax returns in the matter.

9. Assailing the same, these Revisions are filed.

10. Counsel for the petitioner contends that the income tax returns of the respondent for the year 2009-2010 are very crucial and the Court below ought to have insisted on the respondent to produce the same.

11. I am unable to agree with the said contention. In a suit, it is for the parties to lead evidence in support of their respective pleadings and the Court would not normally insist on a particular piece of evidence to be produced by a party. As rightly held by the Court below, on the basis of evidence available on record it would be decided whether the respondent is entitled for relief in the suit or not, and the respondent cannot be compelled to produce any particular evidence which the petitioner wants or which may help the petitioner to establish his defence in the suit.

12. I therefore do not find any error of jurisdiction in the orders passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

13. Accordingly, all these Civil Revision Petitions are dismissed. However, the Court below shall decide the suit uninfluenced by

any observations made by it in the impugned orders. No order as to costs.

14. Consequently, miscellaneous petitions pending if any, shall stand closed.

**M.S. RAMACHANDRA RAO, J**

12th June, 2019.
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