

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1139 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 15.03.2019 passed in I.A.No.124 of 2019 in O.S.No.145 of 2013 by the Special Sessions Judge for Trial of Cases under SCs & STs (PoA) Act-cum-VII Additional District and Sessions Judge at Khammam, wherein the application to recall P.W.4-Bank Manager for further cross-examination, was dismissed.

2. Heard learned counsel for the revision petitioner and perused the record.

3. Learned counsel for the revision petitioner would submit that though there is an application filed for summoning P.W.4 with entire case records, the Court below did not allow the said application and erroneously dismissed the same. Further cross-examination of P.W.4 is necessary for just adjudication of the suit and ultimately prayed to set aside the impugned order and allow the I.A. as prayed for.

4. It is evident from the record that on earlier occasion, the revision petitioner filed I.A.No.1440 of 2017, which in turn was allowed and P.W.4 was examined. The disputed entries in the subject matter of the suit relates to an amount of Rs.4,00,000/- relating to Account No.1011118742, State Bank of India of respondent No.2. On this aspect, elaborate cross-examination was conducted by the revision petitioner. In the first instance, the revision petitioner did not ask for the details of SBI account belonging to respondent No.2. It appears

that the revision petitioner filed one application after another without there being any justifiable reason. The Court below had elaborately discussed with regard to the subject issues and ultimately dismissed the application assigning number of reasons.

5. In the given circumstances, the petitioner cannot be allowed to file one application after another to call the same witness. The Court below had rightly exercised its jurisdiction and did not commit any illegality to interfere with the impugned order. The revision petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Date: 30.10.2019
ssp

Dr. SHAMEEM AKTHER, J

