

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2783 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.1 aggrieved by the order dated 19.07.2019 passed in I.A.No.604 of 2019 in O.S.No.842 of 2015 by the II Additional Junior Civil Judge, Warangal, whereby the application filed by the revision petitioner/defendant No.1 under Rule 129 of Civil Rules of Practice, to call for certain documents, was dismissed.

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

3. Learned counsel for the revision petitioner/defendant No.1 would submit that as there were transactions between the petitioner/defendant No.1 and the "Hanuman Mahila Group of Sri Laxmi Slum Samikhya" with regard to deposits and withdrawal of the amounts during the years 2013-2014, certain documents are necessary to summon for comparison of the disputed signature on the suit pronote. The Court below erroneously dismissed the said application though there are justifiable circumstances to call for the documents and ultimately prayed to set aside the impugned order and allow I.A.No.604 of 2019 as prayed for.

4. A perusal of the impugned order and the material placed on record reveals that firstly, the revision petitioner has not mentioned about the details of the documents which are called for. Furthermore, the transaction relates to the year 2013. There is only a mention of date of documents i.e., 19.12.2013 and 19.01.2014. No documents were filed in support of the application to establish that the revision

petitioner was a member of “Hanuman Mahila Group of Sri Laxmi Slum Samikhya” which is under the supervision of “Cluster Research Person”. It is needless to state that in a suit for recovery of money when signature is denied on the subject document, burden is on the plaintiff to prove his case. These aspects were elaborately examined and dealt with by the Court below. The Court below did not commit any perversity. There are no circumstances to take a different view. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed at the stage of admission.

The Miscellaneous Petitions, if any, pending shall stand closed. There shall be no order as to costs.

Date: 27.11.2019
ssp

Dr. SHAMEEM AKTHER, J

