

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3124 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendants, challenging the order, dated 05.11.2019, passed in I.A.No.161 of 2019 in O.S.No.501 of 2012 by the XIX Additional Senior Civil Judge, City Civil Court, Secunderabad, whereby, the petition filed by the respondent No.1/plaintiff under Section 151 of CPC to re-open the subject suit in O.S.No.501 of 2012 for marking the Authorisation Letter issued in favour of the Chief Manager, was allowed.

2. Heard the learned counsel for the revision petitioners/defendants and perused the record.

3. The learned counsel for the revision petitioners/defendants would contend that P.W.2 was recalled, pursuant to the re-opening of the evidence on the side of the plaintiff, to mark the Authorisation Letter. It amounts to filling of the lacunas in the suit. The Court below is unjustified in allowing the subject interlocutory application in I.A.No.161 of 2019 and ultimately prayed to set aside the order under challenge and dismiss the subject interlocutory application.

4. Admittedly, the suit is filed by the Indian Bank for recovery of money. Due to oversight, the Authorisation Letter given to the Chief Manager of the Bank was not marked.

Substantial issues with regard to the receipt of loan etc., are required to be dealt with in the subject suit. The omission in not marking the said Authorisation Letter is not grave. Further, it would not amount to filling up the lacuna in the suit for recovery of money filed by a Bank. The submissions made on behalf of the revision petitioners/defendants are unsustainable. There is no legal infirmity in the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this CRP, shall stand closed.

30th December, 2019
Bvv

Dr. SHAMEEM AKTHER, J