

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 11TH DAY OF JANUARY 2001

B E F O R E

THE HON'BLE MR.JUSTICE T.N.VALLINAYAGAM

C.R.P.No.1440/1998

Between :

Mr. Ramendra Bhandari
S/o. G.D. Bhandari
major, C/o. R.Bhandari & Co.
532, I Floor, Brindavan
Building, Dudi Market
Avenue Road
Bangalore - 560 002

.. Petitioner

(By Sri. H.J. Sanghvi, Adv.)

And :

1. Canara Bank
Having its Registered
Office at No.112
J.C. Road
Bangalore - 2 and a
Branch at M.G. Road
Bangalore - 1 repto.,
by its Joint Manager
and P.A. Holder
Sri. B.P. Rao
2. M/s. Alpha Williams
Private Limited
a Company incorporated
under the Companies Act
1956, having its
registered office at
No.17-A, Mosque Road
Bangalore - 560 005

.. Respondents

(By Sri. M.V. Kini for R1)
C.R.P. dismissed as against R2.

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C.R.P. filed u/s.115 of CPC., against the order dated 12.1.98 passed in O.S.No.3648/91 on the file of the Addl. City Civil Judge, Bangalore, rejecting I.A. filed u/o.18 R-17-A of CPC.

This C.R.P. coming on for hearing, this day, the Court made the following :

ORDER

This Civil Revision Petition is against the order refusing to permit cross-examination. Such a Civil Revision Petition is not maintainable within the meaning of Sec.115 CPC as " No case has been decided by not cross-examining the witness".

2. Even otherwise it is seen that on earlier occasion the petitioner was given opportunity to cross-examine the plaintiff on payment of costs. Subsequently on the date in question namely 20.11.1997 the defendant was not prepared to cross-examine the witness. The court had no option but to reject the application filed by the defendant to cross-examine further. In my opinion the court is right as the case is of 1981 and from the representation made by the learned counsel for the petitioner, it is seen that there can be no defence to ^{the} ~~be~~ [^] ~~claimed~~ by the Bank. The dispute appears to be between the Directors of the Company who borrowed money as to who shall pay the bank and who shall be released

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from the obligation. The fight interse between the directors cannot stand in the way of plaintiff getting a decree. It is unfortunate that the suit of 1981 especially money suit the claim made by the Bank is dragged on nearly 20 years as on date.

3. In this view, this Civil Revision petition is dismissed as having no merit and the Trial court is directed to dispose of the case on or before 31.3.2001 and report the same to this court.

Sd/- JUDGE

mv/-