

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

C.R.P.No.2113 of 2015

ORDER:

This revision petition is filed under Article 227 of the Constitution of India, challenging the order dated 16.03.2015 passed in O.S.No.218 of 2009 overruling the objections raised by the petitioner/defendant in the suit filed by the respondent/plaintiff for recovery of money.

The respondent/plaintiff filed the suit for recovery of money allegedly due under a promissory note. At the time of marking the suit promissory note through plaintiff as PW.1, learned counsel for the defendant raised objection for marking the same on the ground that the suit promissory note does not bear certain information, viz., date, quantum of interest, descriptions of promisor and promisee and signatures in scribe column.

Learned counsel for the petitioner submits that since necessary information, viz., date, quantum of interest, description of promisor and promisee and signatures in scribe column, was not provided in the promissory note the same cannot be admitted in evidence for marking the document. The Court below without considering the same overruled the said objection contrary to law.

The Court below found that though at the top of the suit promissory note date is not mentioned, under the signatures of the second attestor the date was mentioned as 01.02.2008. The Court below also found that though there is no mention about the quantum of interest and at what place it is exactly executed, they are not mandatory under Section 4 of the Negotiable Instruments Act and necessary ingredients of promissory note as defined in Section 4 of the Negotiable Instruments Act are satisfied. The Court below further found that it is not the stage to decide the truth or otherwise of the objections raised by the petitioner, and accordingly overruled the objection. Hence the present revision petition is filed.

Admittedly, the document is only admitted into evidence. Since the objections raised by the petitioner are not with regard to the stamp duty or registration of the document, the said objections can be considered at the time of final disposal of the suit. If the Court below after full fledged trial finds that the plaintiff is unable to prove his claim basing on the suti promissory note, the defendant will succeed. But it is not the stage to consider the objections raised by the petitioner as rightly pointed out by the trial Court.

In view of the same, I do not find any error or illegality in the order passed by the Court below warranting interference of this Court under Article 227 of the Constitution of India.

Accordingly the Civil Revision Petition is dismissed. No costs. Pending miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J.

10th July, 2015
Js.