

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.409 OF 2016

DATED:29-01-2016

Between:

Putchu Parameswara Sarma ... Petitioner

And

Tullimilli Srinivasa Rao ... Respondent

COUNSEL FOR THE PETITIONER: Mr. Chandra Sekhar Ilapakurti

COUNSEL FOR THE RESPONDENT: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order dt.10.12.2015, in I.A. No.561 of 2015 in O.S. No.280 of 2014, on the file of the Additional Senior Civil Judge, Tenali, Guntur District.

The respondent filed the above mentioned suit for recovery of money based on a promissory note, against the petitioner. The petitioner filed a written statement pleading discharge of the debt. In paragraph 3 of the written statement, the petitioner has stated as under:

*"The defendant submits that he made a party payment of Rs.30,000/- to the plaintiff on 25.12.2011 in the presence of Tullimilli Sambaiah to the credit of the suit pronote's debt. Subsequently the defendant paid Rs.30,000/- on 20.5.2012 and Rs.20,000/- on 28.10.2012 to the plaintiff as part payments towards the suit debt. Similarly in the year 2013 the defendant made part payments of Rs.25,000/- on 24.3.2013 and Rs.23,000/- on 23.8.2013 to the plaintiff. Further the defendant paid an amount of Rs.32,000/- on 23.3.2014 to the plaintiff as another part payment towards the suit pronote debt. All the part payments were made at the house and in the presence of Tullimilli Sambaiah of Athota Yadavapalem. Finally the defendant made an on-line payment of Rs.10,000/- through State Bank of India, Ramantapur Branch on 13.05.2014 to the plaintiff's Account bearing No.030673137640 towards the full satisfaction of the suit pronote debt. Thus the whole suit debt stands discharged by 13.5.2014 itself."*

From the above mentioned pleadings, it is evident that except to the extent of Rs.10,000/-, the petitioner has claimed to have made the entire balance payments at different dates at his own house in the presence of Tullimilli Sambaiah of Athota Yadavapalem. In the affidavit filed in support of I.A. No.561 of 2015, the petitioner pleaded that he wants to produce the receipts pertaining to the Adarsh Co-operative Urban Bank Limited, in order to prove his plea of discharge of the suit debt. As rightly pointed out by the lower Court, in view of the specific plea of the petitioner that except to the extent of Rs.10,000/-,

the entire suit debt was paid to the respondent at his house and that the balance amount of Rs.10,000/- was paid through the State Bank of India, Ramanthapuram Branch, the additional evidence sought to be produced by the petitioner pertaining to receipts issued by the Adarsh Co-operative Urban Bank Limited, have no relevance.

The pleadings constitute soul of the case of either party. Any amount of evidence, in the absence of proper pleadings, is not acceptable. Therefore, the proposed evidence sought to be adduced by the petitioner not being in consonance with the specific pleadings raised by him, the lower Court has rightly rejected the application filed by him. Hence, I do not find any jurisdictional error or material illegality in the order of the lower Court warranting interference by this Court.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P. M.P. No.503 of 2016 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

29-01-2016

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