

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**CIVIL REVISION PETITION No.5177 of 2016**

**ORDER:**

The petitioner herein is the defendant in O.S.No.180/2011 on the file of Senior Civil Judge, Chirala, Prakasam District. The respondent herein filed the said suit for recovery of money on the basis of promissory note. The petitioner filed his written statement stating as follows:

“The defendant for the purpose of raising prawns in his ponds borrowed amounts from Kandi Anji Reddy of Pandillapalli village and signed on a blank promissory notes about ten years ago. Later the defendant discharged the debt of the said Anji Reddy but he did not return the blank promissory notes to the defendant. The said Anji Reddy, who is the defendant in the above suit filed by the defendant, colluded with the plaintiff and might have manipulated and concocted the suit promissory note with the aid of above blank promissory note. The suit promissory note is not true, valid and not binding on the defendant. The defendant need not pay the suit amount as he never borrowed amount from the plaintiff. Hence the suit is not maintainable under law and same is liable to be dismissed.”

After completion of the evidence of plaintiff, the petitioner filed I.A.No.2442/2014 seeking amendment of the written statement by specifically taking a plea that the suit promissory note was not executed on the day mentioned in the promissory note, as the revenue stamp utilised for the purpose of preparation of the suit promissory note was not printed by the Security Press as on the date of suit promissory note. When

the said application of petitioner was dismissed, the present Civil Revision Petition was filed.

As stated above, the petitioner had already taken the stand that the suit promissory note was a forged document and his signature was obtained on the blank promissory notes about ten years ago. In those circumstances, it is always open to the petitioner to take up the plea with regard to the stamp, as a consequential plea taken in the written statement. The amendment cannot be allowed at this stage as rightly pointed out by the trial Court. If the petitioner is advised, he can take necessary steps, in support of the plea of forgery of promissory note including the availability of stamp, by appropriate proceedings at appropriate stage.

In the circumstances, the order in I.A.No.2442/2014 cannot be found fault with and accordingly, this Civil Revision Petition is dismissed. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

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**A.RAMALINGESWARA RAO, J**

28.10.2016  
MVA