

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMAINAM

C.R.P.(P.D.) No.2242 of 2014
and
M.P.No.1 of 2014

Gabriel

... Petitioner

Vs.

Kamala

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order dated 03.12.2013 passed in I.A.No.226 of 2013 in O.S.No.31 of 2012 on the file of the Sub Court, Neyveli.

For Petitioner : Mr.P.Mani

For Respondent: Mr.S.Kadarkarai

ORDER

The respondent filed a Suit in O.S.No.31 of 2012, for recovery of money and the Revision Petitioner who is the defendant in the Suit has filed his written statement in the Suit. After the filing of the written statement, the revision petitioner/defendant filed an Interlocutory Application, seeking permission of the Court to file additional written statement, more specifically to state that he has not signed the alleged pro-note, which is filed along with the Plaint.

2.The learned counsel appearing for the petitioner contended that the revision petitioner had no knowledge about the pro-note at all and therefore he has to file an additional written statement to say that he has not sent any such promissory note nor he has any knowledge regarding the execution of the pro-note.

3.The learned counsel appearing for the respondent contended that it is a case of recovery of money and the promissory note was filed along with the Plant itself and on a reading of the written statement, it is clear that the revision petitioner has categorically

stated that he has signed and handed over the pro note. Therefore, the additional written statement sought to be filed cannot be admitted since he cannot make two statements which are diametrically opposite and the genuinity and truthfulness is to be doubted.

4. Without considering the merits and demerits of the pro-note or the contentions raised in the suit, this Court is of the opinion that on a plain reading of the written statement, the revision petitioner stated that he has signed and handed over the pro-note. The nature, genuinity and other aspects of the pro-note are to be adjudicated only through fullfledged trial by the trial court and this Court cannot express any opinion on that. But, in the proposed additional written statement sought to be filed, it is stated that the revision petitioner has not signed the alleged pro-note filed along with the Plaint. Such being the statement made by the revision petitioner, one in the written statement and another in the additional written statement sought to be filed, this Court is of the view that the Revision petitioner has filed the additional written statement with unclean hands and therefore such pleadings which is made diametrically opposite cannot be entertained by the Courts and the trial Court has rightly rejected the same and this Court is not inclined to consider the grounds raised.

5. Accordingly, the order passed in I.A.No.226 of 2013 in O.S.No.31 of 2012, is confirmed and the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

24.02.2017

Index : Yes
Internet : Yes
rpa
To

The learned Sub Judge,
Neyveli.

S.M.SUBRAMANIAM,J.

rpa

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