

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.3401 of 2017

ORDER:

Aggrieved by the order passed by the trial Court refusing to allow the petitioner to file an additional written statement, the defendant has come up with the above revision.

2. Heard Mr. Sai Gangadhar Chamorthy, learned counsel for the petitioner.

3. The suit was for recovery of money on a promissory note. The only reason why the defendant wanted to file additional written statement was to raise a contention that there was a material alteration in the promissory note. The petitioner claimed that the material alteration came to her notice only during cross-examination of PW.1. Therefore, she wanted to file additional written statement.

4. But even as per the averments contained in the affidavit, the petitioner has also cross-examined PW.1 on this aspect. For cross-examining a witness on the material alteration allegedly found in the promissory note, no pleading is separately required in the written statement. Therefore, the trial Court was right in dismissing the application. It will be open to the petitioner to pursue the other rights to prove that there was material alteration.

Therefore, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 04-08-2017

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