

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.468 of 2017

ORDER:

This Revision is filed challenging the order dt.06-12-2016 in I.A.No.300 of 2016 in O.S.No.53 of 2012 of the Senior Civil Judge, Tadepalligudem of West Godavari District.

2. The petitioner herein is defendant in the suit. The respondent filed the suit for recovery of money against petitioner on the basis of a promissory note.

3. It is the case of the petitioner that there are disputes between the petitioner and her husband and that the respondent is none other than the maternal aunt of the husband of petitioner. This written statement was filed in June, 2012.

4. In February, 2016, the petitioner filed I.A.No.300 of 2016 to file certain documents relating to her disputes with her husband viz., Maintenance Case, a Domestic Violence Case and complaint in a criminal case etc.

5. These documents *prima facie* have no relevance to the suit between the petitioner and the respondent. The reason given for not filing these documents was that these documents are necessary to prove the petitioner's defence and they were submerged with other important documents and were therefore not filed at the time when the written statement is filed.

6. Counter-affidavit was filed opposing this application stating that the documents sought to be filed have no connection with the suit.

7. The Court below, by order dt.06-12-2016, dismissed the application holding that merely because the plaintiff/respondent happens to be the maternal aunt of the husband of petitioner and there are disputes between petitioner and her husband, it cannot be said that the suit was planted and filed against her.

8. Though learned counsel for petitioner sought to contend that the order passed by the Court below is incorrect, since the documents sought to be filed by petitioner have no relevance to the subject matter of the suit, and since no valid reason has been given for not filing them along with the written statement, I am of the opinion that the Court below did not commit any error of jurisdiction in refusing to allow I.A.No.300 of 2016.

9. Therefore, the Civil Revision Petition is dismissed at the stage of admission. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-02-2017

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