

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CIVIL REVISION PETITION No.5612 OF 2016

ORDER:

The civil revision petition is filed questioning the correctness of the order, dated 26.08.2016 passed in I.A.No.307 of 2016 in O.S.No.456 of 2014, by and under which the request of the petitioner/defendant to amend the written statement was negated.

The suit is for recovery of money is filed on the basis of the promissory note. The petitioner/defendant has filed written statement contending in paragraph 5 of the same as under.

" ... Subsequently, the said three persons (Puppala Satyanarayana, Sakalabattula Nagesh and Bendi Appalanaidu) along with M.Chiranjeevi and some other villagers approached the defendant and demanded to pay the amount which was given to the Sanyasirao and R.Nageswara Rao at the instance of the defendant and forced the defendant for the said amount as the pronote executed by Sanyasirao and Nageswararao in the hands of the above said elders, as such they insisted the defendant to pay the amount immediately even though the defendant informed that the blank signed pronotes given by the Sanyasirao and Nageswararao as security for the amount received by them from Narasimhulu, Kondayya and Asirinaidu, but the said persons along with Modalavasala Chiranjeevi forced the defendant to sign on the blank pronote as security till they received amount from Sanyasirao and Nageswararao, as there is no other go the defendant signed on the blank three printed pronotes as insisted by the Chiranjeevi, Kottakota Narasimhulu, V.Kondayya and Ch.Asirinaidu, thus, the said promissory notes came to light without passing any consideration to the defendant in the process of Puppala Jayaram, Duppala Arjunarao.

In paragraph 7 of the said written statement, the defendant took a specific plea that the alleged promissory notes were created with the help of the scribe and the attestors. By way of amendment, the petitioner/defendant wants to add an additional plea to the effect that, "the

defendant submits that the signature in the suit promissory note does not belong to the defendant, the same is rank forged one".

If the written statement already filed and the proposed amendment read together, it manifests that the stand, which the petitioner/defendant took in the original written statement, is completely sought to be negated by the present amendment. Such an inconsistent plea cannot be allowed to be taken. The petitioner/defendant explained in the written statement about the execution of the suit promissory notes and the circumstances in which it is executed, and by way of proposed amendment, the petitioner/defendant wants to submit that the suit promissory note is a rank forged one. Hence, the Court below after taking into consideration the relevant aspects and rejected the request of the petitioner/defendant to amend the written statement. I see no reason to interfere with the well considered order of the Court below and the order of the Court below does not suffer from any illegality or irregularity.

The civil revision petition is accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

22.02.2017
pln