

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3803 of 2017

Order:

Heard learned counsel for the petitioner.

This Civil Revision Petition is filed against the order in I.A.No.386 of 2016 in O.S.No.13 of 2013 passed by the learned VI Additional District and Sessions Judge, Markapur, Prakasam district on 03.07.2017.

The petitioner herein is the defendant in the said suit. The suit was filed for recovery of money on the basis of a promissory note. The petitioner filed a written statement in the suit stating as follows:

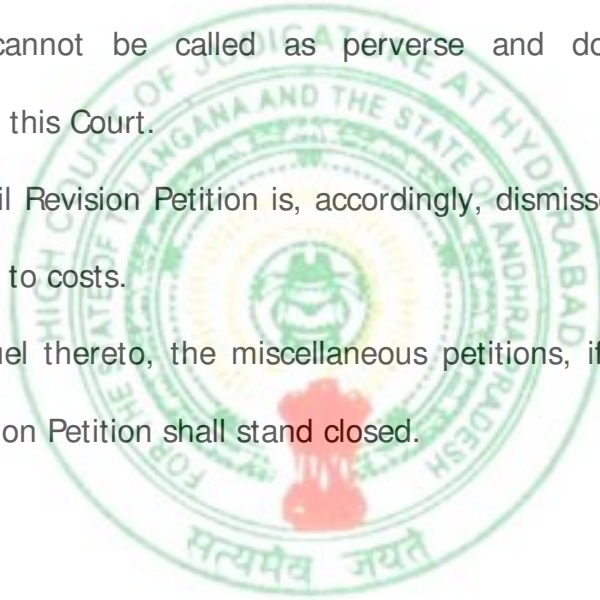
“The signatures on the suit promissory note are not made by defendant and they are all forged. There are some misunderstandings between the defendant's husband and brother of the plaintiff viz., Mandalapu Srinivasa Reddy. To wreck vengeance against the defendant and her husband they created the suit promissory note and file this suit. The suit promissory note is not supported by any sort of consideration. The defendant never drew the cheque number 215864 for Rs.22,38,000/- on 19.01.2013. The plaintiff managed to commit theft of a blank cheque from the shop of the defendant and her husband manipulated the same. So there is no valid and enforceable debt owed by the defendant and there is no legal basis for the plaintiff to make any claim for the suit amount from the defendant.”

The said written statement was filed on 29.04.2013. Thereafter, she filed the present application seeking amendment of the said written statement stating that the brother of the plaintiff is working as an employee in CCKR Chits Private Limited, Ongole and earlier she gave some blank cheques and blank printed promissory notes to the said company in connection with a chit transaction, where she executed a guarantee agreement on 18.12.2009. After completion of the chit transaction, the said documents were not returned. By filing the said guarantee agreement, she sought amendment of the written statement stating that the present promissory note was one of the blank promissory notes which were given earlier to CCKR Chits Private Limited, where the brother of the plaintiff worked as

an employee. This application seeking amendment of the written statement was filed in June 2016 by which date the trial has commenced after framing the issues. As per the orders passed by the trial Court, the trial commenced on 23.09.2015. The trial Court dismissed the application of the petitioner on the ground that this is an additional plea and in view of the bar contained in Order 8 Rule 9 CPC the application cannot be entertained. As rightly pointed out by the trial Court, no reason was shown by the petitioner in the present application for not taking the said plea at the time of filing the written statement. In view of the same, the dismissal of the application filed by the petitioner, by order dated 03.07.2017, cannot be called as perverse and does not warrant interference of this Court.

The Civil Revision Petition is, accordingly, dismissed. There shall be no order as to costs.

As sequel thereto, the miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.



A. RAMALINGESWARA RAO, J

Date: 11.08.2017
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