

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

C.R.P.No.6345 of 2017

ORDER:

Heard the learned counsel for the petitioner.

2. This Revision Petition is filed by the petitioner assailing the order dt.12-10-2017 in I.A.No.406 of 2017 in O.S.No.296 of 2014 of the Additional Senior Civil Judge, Tirupati, Chittoor District.

3. Petitioner is the defendant in the suit.

4. Respondent filed a suit for recovery of money against the petitioner. In that suit, the petitioner filed an application to call witness one Chinni, brother-in-law of the respondent, who, according to her, colluded with the respondent and fabricated the suit promissory note.

5. The Court below dismissed the said application stating that no such plea was raised in the Written Statement, that a totally new story has now been set up and since the case is identified case, if the application is allowed, it would delay in disposal of the suit.

6. Assailing the same, this Revision Petition is filed.

7. Though learned counsel for the petitioner contends that the evidence of the said Chinni is crucial to prove her case, since there is no pleading in Written Statement regarding the said person having colluded with the respondent and fabricating the suit pronote. I see no

reason to interfere with the order passed by the Court below in exercise of power vested in this Court under Article 227 of the Constitution of India.

8. Accordingly, the Civil Revision Petition is dismissed at the admission stage. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-12-2017
kvr

