

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.5579 of 2017

Date: 27.10.2017

Between:

S.Ratnaji

..... Petitioner

and

B.V.Prasad Rao

.....Respondent

Counsel for the Petitioner: Mr.Kambampati Ramesh Babu

The Court made the following:



Order:

The petitioner/defendant in OS.No.2055 of 2014 on the file of the VI Additional Senior Civil Judge, Visakhapatnam (for short 'the Court below'), filed IA.No.1152 of 2016 therein, under Order VIII Rule 9 of the Code of Civil Procedure, 1908 (CPC), for permission to file additional written statement by raising the plea of the respondent/plaintiff not having the financial capacity to lend the money. This Application having been dismissed, the unsuccessful defendant filed this Civil Revision Petition.

As rightly observed by the Court below, it is not the pleaded case of the petitioner, in the additional written statement, that the respondent is a stranger to him. Therefore, the respondent's capacity or lack of it would have been known to the petitioner at the time of filing the written statement. Having not taken this plea therein, the attempt of the petitioner to file additional written statement appears to be a pure after thought. Moreover, as observed by the Court below, the petitioner himself has pleaded in the written statement that the respondent is in the habit of forging the signatures of people and filing false suits against them for recovery of money and that when he was well aware of the nature of the respondent before filing of the written

statement, there was no reason why he has not raised therein the said plea of the respondent not having the financial capacity to lend the money sought to be recovered in the suit. On a careful consideration of the reasons assigned by the Court below, I am of the opinion that the order passed by it, which is challenged in this Civil Revision Petition, does not suffer from any jurisdictional error warranting interference of this Court in exercise of its revisional jurisdiction.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.7231 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 27th October, 2017
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