

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.1482 OF 2018

DATED:09-03-2018

Between:

Suvvada Adinarayana
and another

... Petitioners

And

Battula Padma

... Respondent

COUNSEL FOR THE PETITIONERS: Mr. T. Tejeswara Rao

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition is filed by the defendants in O.S. No.460 of 2014 on the file of the I Additional Senior Civil Judge, Visakhapatnam, against order dt.22.1.2018 in I.A. No.666 of 2016.

In the aforementioned suit filed by the respondent for recovery of money based on the promissory notes, the petitioners filed a written statement taking the specific plea that in connection with a chit transaction with the respondent, they handed over to her the signed empty promissory notes towards security in December, 2010. After the evidence was commenced, the petitioners have filed the aforementioned I.A. seeking permission to file an additional written statement by taking the plea that the signatures on the promissory notes do not belong to them. The petitioners sought to explain the inconsistent pleas by stating that when they filed the written statement, they did not have the copies of Exs.A.1 to A.4 and that therefore they have taken the stand in the written statement that they signed on the empty promissory notes.

As rightly pointed out by the lower Court, if the petitioners have not received Exs.A.1 to A.4, they ought to have brought the same to the notice of the Court and obtained

copies thereof before filing the written statement. Much after the filing of the written statement and at the stage of trial, it is not permissible for the petitioners to file an additional written statement to raise an inconsistent plea on the jejune ground that when the written statement was filed they did not have the benefit of perusing Exs.A.1 to A.4. At any rate, whether the petitioners signed on the promissory notes or not, is a fact which does not depend upon the perusal of the suit documents. From the very nature of the defence of the petitioners already taken, it is evident that the petitioners are seeking to file an additional written statement, as a pure after thought. Hence, I do not find any merit in this civil revision petition.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, I.A. No.1 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

09-03-2018

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