

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.4258 of 2017

JUDGMENT:

This civil revision petition is filed, under Article 227 of the Constitution of India, assailing the order dated 18.7.2017 in I.A. No.164 of 2017 in O.S.No.27 of 2015 on the file of the Court of Senior Civil Judge, Dharmavaram.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the respondent filed O.S.No.27 of 2015 on the file of the Court of Senior Civil Judge, Dharmavaram against the petitioner for recovery of an amount of Rs.10,00,000/- basing on the cheque bearing No.880877-000028, dated 06.3.2013. The petitioner filed the written statement denying all the averments made in the plaint including the issuance of the cheque in question in favour of the respondent. At the stage of cross-examination of the petitioner (D.W.1), the petitioner filed the interlocutory application under Order VIII Rule 1-A read with Section 151 of CPC to condone the delay in producing the proposed documents. The trial Court, after affording reasonable opportunity to both the parties, dismissed the interlocutory application. Hence, the revision.

4. It is the case of the petitioner that he issued six blank cheques including the suit cheque in favour of Sriram City Union Finance Limited, which in turn handed over the suit cheque to the respondent. Taking advantage of the same, the respondent filed a false case against him. The certified copies of the cheques proposed to be produced by the petitioner before the trial Court are

(1) No.880876-000028 for Rs.13,334/- dated 15.7.2008; (2) No.88067-000028 for Rs.13,334/- dated 15.4.2009; (3) No.88065-000028 for Rs.13,334/- dated 15.6.2009; (4) No.88064-000028 for Rs.13,334/- dated 15.7.2009; and (5) No.88063-000028 for Rs.13,334/- dated 15.8.2009. The case of the petitioner is that he issued all the six cheques including the suit cheque in favour of Sriram City Union Finance Limited in the years 2008 and 2009. The further case of the petitioner is that he issued the suit cheque on 21.1.2009 but not on 06.3.2013. The cheques were not issued in serial numbers. While the amount shown in all the five cheques is of Rs.13,334/-, the amount shown in the suit cheque is Rs.8,00,000/-. This Court carefully perused the written statement filed by the petitioner before the trial Court. There is no mention in the written statement that the respondent obtained the cheque in question from Sriram City Union Finance Limited. The affidavit filed by the petitioner in support of the petition is also silent with regard to the contention raised by the petitioner before this Court. A party to the civil revision petition is not entitled to urge a new point, for the first time, with foundation in the original pleadings. The trial Court considered the material available on record and dismissed the petition. Even if the documents proposed to be produced by the petitioner are received by the trial Court, they will not throw any light on the controversy involved in the suit or they will substantiate any of the grounds taken by the petitioner in the written statement. The trial Court has assigned reasons much less cogent and valid reasons to its findings. Viewed from any angle, the civil revision petition lacks merits and *bona fides*. There is no illegality, irregularity or impropriety in the impugned order.

5. Accordingly, the civil revision petition is dismissed. No costs. Miscellaneous petitions, if any pending in this civil revision petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 05.7.2018
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