THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.987 of 2019

ORDER :

This Civil Revision Petition is filed challenging the order dt.28-03-2019 in I.A.No.603 of 2019 in O.S.No.146 of 2014 of the Principal District Judge, Warangal.

2. Petitioner is defendant in the said suit.

3. The respondents filed the said suit against petitioner for recovery of money on the basis of a promissory note allegedly executed by the petitioner on 30-08-2011.

4. In the written statement, petitioner contended that in connection with a chit transaction, 1st respondent's partner and his brother took from him two blank promissory notes and though the chit amount was paid, these were not returned to him and suit promissory note was fabricated on one of the two blank promissory notes. He denied that either on 30-08-2011 or any other date, he borrowed any money from the respondents.

5. Petitioner then filed I.A.No.603 of 2019 to send the Ex.A-1 promissory note to the Security Printing and Minting Corporation of India Limited, Nashik Road, Government Colony, Nashik, Maharashtra to find out whether the revenue ticket released in the year

2006 or 2011 and specifically the year of publishing the two revenue stamps available on ExA-1.

6. He contended that this evidence would enable him to establish the fraud allegedly played by respondents. He contended that a blank signed promissory note available with P.W.1 is of the 2006 and he filled the blanks therein and scribed therein.

7. Counter-affidavit was filed by 1st respondent opposing this contention and contending that only to delay the proceedings in the suit this application is filed. It is denied that there is no suggestion given to P.W.1 or P.W.2 that the transaction under the suit promissory note was of the year 2006 and in the written statement or in the chief-examination affidavit petitioner never referred to the suit promissory note as of having been given in 2006.

8. By order dt.28-03-2019, the Court below dismissed the said application. It observed that there is no rule that stamps produced in a particular year have to be used only in that year and that the revenue stamps hold good until they are ordered to be lapsed by a cut-off date wherein the Government proposes to release a revenue stamp of a new validity. It observed that unless it is notified in that regard, a revenue stamp that is released until the said cut-off date would be valid for usage and the year of release is of no importance. It therefore held that no purpose would be achieved even if the year of revenue stamp

is ascertained by sending the document under Ex.A-1 to the Security Press as prayed for by petitioner.

9. Assailing the same, this Revision is filed.

10. Though learned counsel for petitioner sought to contend that grave prejudice would be caused to petitioner if this impugned order is not set aside, the learned counsel for petitioner is unable to state why the date of release of the revenue stamp has relevance particularly when there is no rule that revenue stamps produced in a particular year have to be used only in that year and it is perfectly possible for older revenue stamps to be used for transactions even if they do not occur in the same year.

11. I do not find any merit in the Revision and it is accordingly dismissed at the stage of admission. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 16-04-2019
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