

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

CRP. No.2290 of 2018

ORDER:

This Revision petition is filed under Article 227 of the Constitution of India challenging the order dated 01.03.2018 passed in I.A. No.27 of 2018 in O.S. No.90 of 2016 of the Junior Civil Judge, Nidamanoor.

2. The petitioner herein is the defendant in the said suit.
3. The respondent filed the said suit against the petitioner for recovery of suit amount on the basis of promissory note dated 25.07.2013 allegedly executed by the petitioner in favour of the respondent.
4. Written statement was filed by the petitioner opposing the suit claim taking the plea that the plaintiff is a money lender and doing the chit business without having any valid licence under the A.P. (Telangana Area) Money Lenders Act, 1349 Fasli. The transaction alleged by the respondent/plaintiff is also denied.
5. After the issues were framed and the evidence on the side of the respondent was completed, the petitioner filed the I.A. No.27 of 2018 seeking to file certain documents, relating to criminal complaints lodged against the husband of the respondent by the third parties, plaint in O.S. No.49 of 2016 filed by the husband of the respondent against a third party, and a judgment in C.C. No.727 of 2015 rendered by the Special Magistrate at Miryalguda.
6. In the affidavit filed in support of the said application, it is stated that the petitioner never borrowed money from the respondent/plaintiff and never

executed the alleged suit promissory note in favour of the respondent/plaintiff. It is further stated that at the time of filing the written statement, he could not file the documents along with written statement as the documents were not in his possession and they were misplaced at his house and after traced out the same, at his house, he could find them and wanted to file the same.

7. Counter affidavit was filed by the respondent opposing the same stating that they were filed only to drag on the proceedings with a dishonest intention. It was also contended that they do not relate to the respondent and no sufficient reason was shown why they were not filed earlier.

8. By order dated 01.03.2018, the Court below dismissed the I.A. No.27 of 2018 holding that the documents sought to be submitted by the petitioner on record pertain to the husband of the petitioner/defendant but the suit was not instituted against the husband of the respondent. It also mentioned that there is no whisper about it in the written statement filed by the petitioner and no valid reason is assigned for not filing those documents along with the written statement.

9. Assailing the same, present revision petition is filed.

10. The learned counsel for the petitioner contended that the Court below ought to have received the documents sought to be filed by the petitioner, though they relate to the husband of the respondent, since according to the petitioner, both respondent and her husband are doing money lending business without any valid licence.

11. The learned counsel for the respondent supported the order passed by the Court below.

12. Admittedly, the suit is of the year 2016 and written statement was filed on 29.11.2016 by the petitioner. Evidence on the side of the respondent was already closed. At this stage, when the petitioner was to lead evidence, this application has been filed seeking to file documents relating to criminal case and civil cases to which the husband of the respondent is a party. All these documents are prior to the suit and no valid reason was assigned why they were not filed along with the written statement. That apart these documents do not relate to the respondent at all and relate to the husband of the respondent.

13. Therefore, I do not find any error of jurisdiction in the order passed by the Court below in refusing to permit the petitioner to file the said documents.

14. Therefore, this Revision petition fails and is accordingly, dismissed. There shall be no order as to costs.

15. As a sequel, miscellaneous applications, if any, pending shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 08.03.2019.
LSK