

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
And
THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.14665 of 2019

ORDER: *(Per Hon'ble Sri Justice M.S. Ramachandra Rao)*

This Writ Petition is filed assailing the order dt.23-05-2019 of the Debts Recovery Tribunal-II at Hyderabad (for short 'the Tribunal') refusing to permit the petitioner to file additional written statement in addition to the written statement filed earlier by the petitioner refuting the contentions raised by the 2nd respondent-Bank.

2. In defence of the claim of the 2nd respondent-Bank, the petitioner had filed a detailed written statement leveling several allegations of fraud against respondent Nos.4 and 5 and the said written statement was filed on 13-07-2018.

3. On 03-10-2018, petitioner filed I.A.No.5251 of 2018 seeking leave of the Tribunal to submit additional pleadings by way of additional written statement.

4. In the said additional written statement, petitioner proposes to plead about two criminal complaints, one lodged by the 2nd respondent-Bank and another by one B.Prabhakar Reddy apart from a Forensic report of Truth Labs dt.05-07-2018.

5. By order dt.23-05-2019, the Tribunal rejected the same stating as under:

“I read and re-read the affidavit. No reasons whatsoever are assigned for filing additional written statement. The affidavit of the petitioner is silent as to what material has been gathered which necessitated him to place on record additional pleadings on his behalf in O.A. proceedings. Mere averments in written statement reserving his right to file additional written statement is not a ground to grant permission to him to place on record additional written statement. Therefore, I find that the petitioner failed to make out any valid ground to grant permission to file additional written statement and accordingly, petition is liable to be dismissed.”

6. Learned counsel for petitioner contends that the order passed by the Tribunal cannot be sustained and the Tribunal ought to have permitted the petitioner to file additional written statement taking additional pleas in defence of the plea of fraud already taken in the initial written statement filed by petitioner in the O.A.

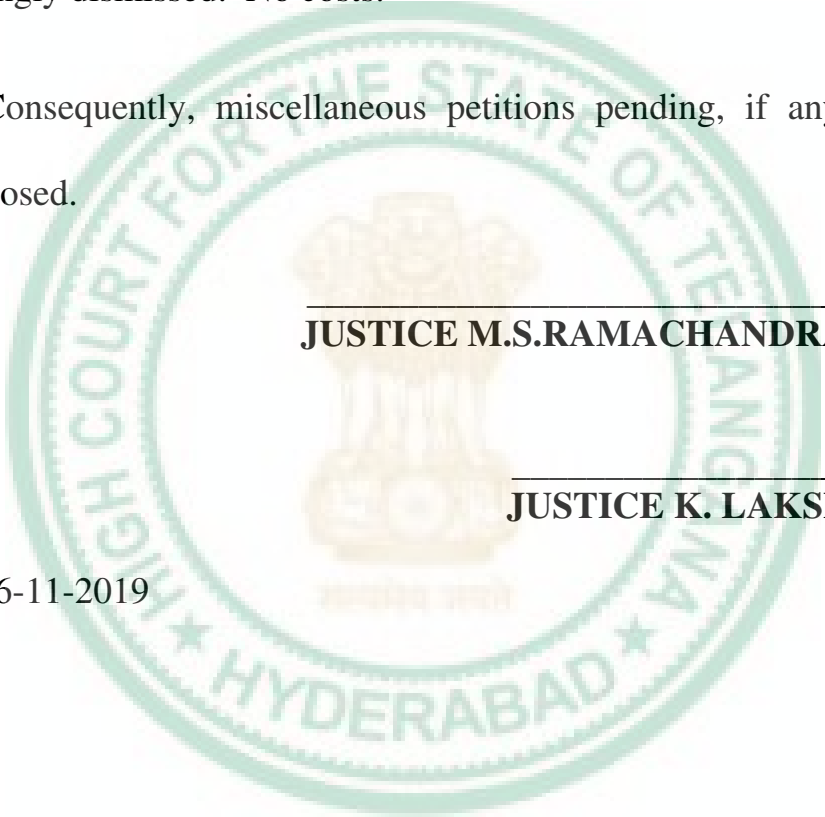
7. As we have already noted, the initial written statement filed by petitioner runs into 10 pages where several particulars relating to fraud allegedly played on the petitioner by respondent Nos.4 and 5 were set out, in compliance with requirement of Order VI Rule 4 C.P.C.

8. In the additional written statement what is proposed is only inclusion of details of two criminal complaints and Forensic report of Truth Labs. Mere filing of criminal cases does not establish any fraud unless there is adjudication by the criminal Court, and in any event the judgments of criminal Court are not relevant in civil proceedings except to the extent mentioned in Section 41 of the Evidence Act, 1872 wherein legal character of any person is declared.

9. We are completely in agreement with the reasoning of the Tribunal that no case is made out for permitting the petitioner for filing an additional written statement. The Tribunal is also right in holding that mere reservation of a right in the original written statement to file additional written statement is not a ground to permit the petitioner to file additional written statement.

10. We therefore do not find any merit in the Writ Petition and it is accordingly dismissed. No costs.

11. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

JUSTICE K. LAKSHMAN

Date: 06-11-2019

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