

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

CIVIL REVISION PETITION NO.1798 OF 2015

DATED:05-06-2015

Between:

Meduri Mallikarjuna Rao ... Petitioner

And

Kommisetty Nammalvar

... Respondent

COUNSEL FOR THE PETITIONER: Mr. B. Chandrasekhar

COUNSEL FOR THE RESPONDENT: -

THE COURT MADE THE FOLLOWING:

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ORDER:

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This civil revision petition arises out of order dt.21.2.2015 in I.A. No.1066 of 2014 in O.S. No.687 of 2012 on the file of IV Additional Senior Civil Judge, Guntur.

The respondent - plaintiff has filed the suit for recovery of money based on a promissory note. The petitioner - defendant has denied the very execution of the promissory note. After the trial was completed, the respondent has got the suit reopened and adduced further evidence by filing the endorsements, which were marked into evidence on 6.11.2014. Thereafter, arguments were advanced on 18.11.2014 by the learned counsel for the respondent – plaintiff. After the case was posted for arguments of his counsel the petitioner has come out with I.A. No.1066 of 2014 under Section 45 of the Indian Evidence Act, 1872, for sending the promissory note along with the endorsements for an expert opinion. This application was dismissed by the lower Court.

As rightly observed by the lower Court, if the petitioner was serious in sending the promissory note for an expert opinion, he ought to have filed an application at the earliest point of time. Till the trial was closed after its reopening and after the purported endorsements were marked into evidence by the respondent, the petitioner has not taken any steps for sending the suit promissory note for expert's opinion. Therefore, filing of the application by the petitioner, at the stage of arguments after closure of the trial, has to be necessary perceived as a pure afterthought intended for procrastinating the suit proceedings. The lower Court has rightly dismissed the application. Hence, I do not find any reason to interfere with the order of the lower Court.

For the aforementioned reasons, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.2397 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

05-6-2015

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