

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Civil Revision Petition No.2590 of 2015

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the IV Additional District Judge, Visakhapatnam in I.A.No.1032 of 2014 in O.S.No.308 of 2008 dated 06.04.2015.

The petitioners herein are the defendants in O.S.No.308 of 2008 which was filed for recovery of money, based on promissory notes. The petitioners herein contended that their signatures in the promissory notes were forged. After the plaintiff had adduced evidence, and after the evidence of the defendants was also completed, the present application was filed requesting the Court below to send the suit promissory notes for examination to the Forensic Science Laboratory, Hyderabad for comparison and their opinion.

In the order under revision, the Court below held that the signatures could easily be compared with a naked eye; the petition, filed by the petitioners, was at fag end and after conclusion of evidence; the petition was filed only with an intention to drag on the Suit; the Suit was pending for nearly 7 years and was identified for disposal; and no valid grounds have been put forth for the purpose of sending the Suit promissory notes (Exs.A1 to A10) to the Forensic Science Laboratory for comparison and opinion.

Before this Court, Sri Cheemalapati Ravi, Learned Counsel for the petitioners, would contend that no prejudice would be caused to the plaintiff merely because the promissory notes are sent for examination by the Forensic Science Laboratory; the Court below erred in holding that the petition was filed only to drag on proceedings, as the handwritings can be compared within a short

duration; and, as the petitioners have throughout the Suit proceedings contended that the promissory notes were forged, the Court below ought to have sent the documents, for comparison, to the handwriting expert.

In the order under revision, the Court below held that the signatures could easily be compared even with a naked eye; the present application was filed after the evidence, both on behalf of the plaintiff and the defendants, was completed; and the *bona fides* of the petitioners, in filing the application, was doubtful. Whether or not the documents should be sent for examination to the Forensic Science Laboratory are matters within the discretion of the Court below which has, for just and valid reasons, exercised discretion not to send the documents for examination by the handwriting expert. The order under revision does not suffer from any patent illegality necessitating interference by this Court under Article 227 of the Constitution of India. I see no reason, therefore, to exercise discretion, under Article 227 of the Constitution, to interfere with the order of the Court below.

The Civil Revision Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions, if any pending, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

Date:10.07.2015.

cs