

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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C.R.P.NO.3979 OF 2015

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ORDER

Heard both the counsel.

Aggrieved by the order and decree dated 20.7.2015 passed by the court of VII Additional Senior Civil Judge, Vijayawada in I.A.No.298/2015 in O.S.No.1658/2012, in dismissing the petition filed by the defendant in the suit under Section 45 of the Indian Evidence Act, 1872 to send the disputed signature on Ex.A-1 suit promissory note to an expert for comparison with the admitted signatures of the defendant in the affidavit and in other papers in an earlier suit in O.S.No.64/2002 on the file of Senior Civil Judge's Court, Avanigadda, for opinion, the present revision is filed.

The respondent/plaintiff filed the suit for recovery of amount based on Ex.A-1 suit promissory note. The trial court has been completed, arguments of behalf of the plaintiff are also completed and the suit is coming up for the arguments of the defendant and at that stage, the defendant filed the present application to send the disputed signature with the admitted signatures available in the earlier suit in O.S.No.64/2002. As noted by the trial court, the stand of the defendant right from the beginning is that the present suit is the consequence of the dispute in O.S.No.64/2002. On these lines, plaintiff was also cross-examined. Therefore, at this stage, filing of the application for expert opinion, on the ground that he found about the filing of the earlier suit and got remembered about the said proceedings in O.S.No.64/2002, cannot be believed and is nothing but protracting the litigation and the trial court in a well considered order, has rightly dismissed the petition and I do not find any reason to interfere with the same.

The revision is devoid of any merit and the same is dismissed. No costs.

Miscellaneous petitions pending if any, shall stand closed.

AVS -----

24—11—2015