HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION NO. 358 OF 2015

ORDER:

None appeared for the petitioner.

The present Civil Revision Petition is filed by the defendant in O.S.No. 896 of 2012, whose application for sending Ex. A1 promissory note to a handwriting expert to ascertain the disputed writings on Ex. A1 and the endorsements on the back side of Ex. A1 along with the signatures that are his or not, in I.A.No. 590 of 2014, was dismissed by order dated 15.12.2014.

The said application was filed at the stage of arguments. A perusal of the order passed by the lower Court shows that the petitioner filed written statement in the year 2012 and the present application was filed on 22.9.2014. The petitioner admitted in his evidence in the cross-examination that the signatures in the suit promissory note belongs to him. When compared the signature on the deposition of DW-1 with the signature on the promissory note, the Court opined that the petitioner intentionally changed his signature on the deposition and ultimately the application was dismissed. The relevant portion reads as under:

> "The petitioner is not diligent enough to prosecute his case, on the other hand, filing of this petition at the stage of judgment after reopening the evidence of the defendant gives indica that the petitioner filed the petition only to protract the suit proceedings, but not otherwise. It is well settled law that the opinion of an expert with regard to the signature or handwriting in the disputed document is not a conclusive, but it is only a piece of evidence and it is for the Court to arrive at its conclusion for appreciation. The evidence placed by both the parties in the suit are sufficient to decide the subject matter of the issues in the suit. There are no grounds in the present petition. Therefore, in view of the above circumstances, the present petition is dismissed."

This Court sees that the order of the lower Court is perfectly valid and does not warrant any interference. In the circumstances,

the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

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A. RAMALINGESWARA RAO, J

DATE: 2.11.2015

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