

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.R.P.No.5043 of 2014

Date : 6-2-2015

Between :

M. Narsi Reddy

.. Petitioner

And

V. Raghu Ram Naidu and another

.. Respondents

Counsel for petitioner : Mr. P. Rajgopal Reddy

Counsel for respondents : --

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order dated 1-12-2014 in I.A.No.662 of 2013 in O.S.No.745 of 2009, on the file of the learned VII Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar.

Respondent No.1 filed the above mentioned suit for recovery of money based on a promissory note. The petitioner, who is the principal borrower and defendant No.1 in the suit, filed I.A.No.662 of 2013 under Section 45 of the Indian Evidence Act 1872 for sending the signatures on the promissory note to a handwriting expert for comparison with his admitted signatures available on record and also by taking his signatures in the open court. This application came to be dismissed by the Court below by the order under revision.

Admittedly, except the signatures subscribed by the petitioner after commencement of the suit, his contemporaneous signatures are not available in the case. In the absence of the admitted signatures, it is not feasible to compare the disputed signatures on the pronote with the signatures which were subscribed by the petitioner during the pendency of the suit. As the petitioner has been resisting the claim of the respondent all through, it is not safe to treat the signatures subscribed by him either in the vakalath or in the lower court as the admitted signatures, as they were subscribed for the purpose of contesting the suit and it is reasonable to presume that filing this application would have been in his contemplation while subscribing his signatures.

The learned Counsel for the petitioner placed reliance on the Judgment of this Court in **Chidella Venkateswarlu Vs. Gurram**

Pushpa Latha^[1]. No parallel can be drawn between the facts of that case and that of this case for the reason that in that case, it is the plaintiff who filed an application for sending the defendant's signatures on the written statement for being compared with the signatures on the disputed pronote. When the plaintiff has accepted the signature of the defendant as the admitted signature, there can be no objection to the Court to send the same for expert's opinion. The present one is a converse case where the defendant himself wants his signatures available in the suit record to be treated as admitted signatures. The plaintiff cannot be put to the risk of sending such signatures for expert's opinion unless he has agreed for the proposal of the defendant. As respondent No.1 objected to the petitioner's request and in the absence of availability of admitted contemporaneous signatures, the lower Court has rightly rejected the petitioner's request. Therefore, I do not find any illegality or jurisdictional error in the order of the lower Court for interference by this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

The Civil Revision Petition is accordingly dismissed.

As a sequel to the dismissal of the Civil Revision Petition, CRPMP No.6853 of 2014 filed for interim relief is disposed of as infructuous.

Date : 6-2-2015
Reddy
L.R. copies
AM

Justice C.V. Nagarjuna

^[1] 2012(4) ALT 445