

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.2872 of 2014

ORDER:

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This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.05-08-2014 in I.A.No.648 of 2014 in O.S.No.430 of 2013 of the Additional Senior Civil Judge, Tirupati.

2. The petitioner herein is defendant in the suit. The respondent/plaintiff filed the suit for recovery of amount on the basis of a promissory note allegedly executed by petitioner. The petitioner filed a written statement contending that the signature on the promissory note does not belong to him and that the promissory note is a fabricated one.
3. He filed I.A.No.648 of 2014 under Section 45 of the Indian Evidence Act to send the suit promissory note to a Handwriting Expert for his opinion.
4. The Court below dismissed the said application on the ground that petitioner did not file any documents contemporaneous to the suit promissory note containing his signature and that unless such document is filed, it is not possible for the Expert to give any opinion. I see no error of jurisdiction in the said order since the expert will not be able to give any opinion without comparing the disputed signatures with admitted signatures on contemporaneous documents.
5. Therefore, the Civil Revision Petition is dismissed. No costs.
6. As a sequel, miscellaneous petitions pending, if any, shall stand

disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 01-06-2015

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