

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.932 of 2015

ORDER:

It is the claim of the petitioner that the suit promissory note dated 08.09.2013 is a forged document and that he has not affixed his signature on the said promissory note.

On 05.02.2015 the learned Principal Junior Civil Judge, Ramachandrapuram allowed the I.A.No.609 of 2014 moved by the very same petitioner herein directing him to deposit a sum of Rs.5,000/- to meet the costs for sending the document for comparison and also directed the petitioner to produce the admitted signatures by the next date i.e. 18.02.2015. The Court also administered a caution that if the petitioner fails to produce the admitted signatures by the next date of hearing, the petition shall stand dismissed. But yet the petitioner hit upon another idea of filing another petition to summon the admitted signatures from the Regional Manager, APSRTC, Vizianagaram, where he was working during September, 2013. It is clearly inferable that the petitioner being the defendant in the suit is only to trying to drag on the proceedings as far as he can. Hence, the Court below has dismissed the present application for summoning the record from the Regional Manager, APSRTC, Vizianagaram and also dismissed the original application to refer the suit promissory note for the handwriting expert's opinion.

As it is an expert's opinion is not binding on the Court. It only helps the Court to firm up its opinion, when there is adequate

corroborative evidence available on record. The failure on the part of the petitioner herein to produce the admitted signatures of his of the contemporary period, certainly puts the factors against him. But nonetheless the Court has to take into consideration the age of the petitioner, which is described only as '45' years old as of now. Therefore, a couple of years back, at best, he would be not less than 43 years. In this age group, unless one has suffered a severe set back with regard to health, the hand writing is very unlikely to undergo a great change. Therefore, the signatures of the petitioner herein may be obtained in the open Court, if they are proximately close to the signatures affixed on the Vakalat, written statement and the affidavits filed in support of various applications moved by him in the Court along with such documents bearing his signatures and the suit promissory note may be referred to the handwriting expert taking them as admitted signatures for the present.

This order is passed with a view to hasten up the trial. The respondent is at liberty to raise such objection as is allowable to him under law with regard to the comparison of the signatures on the suit promissory note.

With this, the civil revision petition stands disposed of. No order as to costs.

The miscellaneous petitions, if any pending in this revision, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

Date:23-03-2015

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