

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
CIVIL REVISION PETITION No.396 of 2015

ORDER:

Heard the learned counsel for petitioner. In spite notice to the respondent, none appeared on his behalf.

2. The petitioner herein is defendant and the respondent herein is plaintiff in O.S.No.64 of 2013 pending on the file of the Court of V Additional District Judge, Kothagudem (for short, trial Court). The respondent filed the above suit seeking recovery of an amount of Rs.34,00,500/- on the basis of a promissory note dated 28.04.2010. In the said suit, after completion of evidence, the petitioner filed I.A.No.977 of 2014 to send the suit promissory note for expert examination on the ground that he never borrowed the money from the respondent and executed any promissory note. The respondent filed a counter stating that prior to the filing of the suit, he got issued a legal notice on 15.04.2013 and the petitioner refused to receive the same. The trial Court dismissed the said application, by its order dated 19.12.2014, on the ground that the petitioner failed to enclose any document bearing his signature for comparison of his signature with the disputed signature on the promissory note. Challenging the same, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner was given time to produce a contemporary document containing the signature of the petitioner, but he failed to produce any document. Thus, it is evident that the petitioner is trying to drag on the matter. The petitioner also failed to deposit the requisite expenses before the trial Court along with his application in I.A.No.977 of 2014. The learned counsel for the petitioner requested that the disputed document can be compared with the admitted signature of the petitioner on the written statement.

4. In the circumstances, the impugned order dated 19.12.2014 of the

trial Court is set aside and the trial Court is directed to send the disputed document for comparison of the signature of the petitioner with his admitted signature on the written statement on the condition that the petitioner pays requisite expenses for the same. The petitioner also shall be called to the trial Court and identify the signature on the written statement before sending the written statement to the handwriting expert. The opinion of the handwriting expert shall be obtained within two months from the date of receipt of a copy of this order and the entire suit proceedings shall be completed within a period of two months thereafter.

5. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 18.11.2015

TJMR