

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NOS.141 AND 535 OF 2015

COMMON ORDER

Aggrieved by the orders dated 12.11.2014 in I.A.Nos.526 and 527 of 2014 in O.S.No.844/2009 passed by the court of VII Additional Senior Civil Judge, Visakhapatnam in rejecting the claims of the petitioners for sending the suit promissory note to handwriting expert under Section 45 of the Indian Evidence Act for comparison with admitted signature and for filing additional written statement for taking the plea of forgery, the defendant in the suit filed the present revisions.

From the material on record and the impugned order, it could be seen that the plaintiff filed the suit for recovery of money based on promissory note and the defendant had taken the plea that the suit promissory note is created, concocted and fabricated document. After filing of the counter, closure of plaintiff's evidence and when the case is coming up for the evidence of the defendant, the defendant filed the present interlocutory applications. The court below noticing that after filing of the counter affidavit and having noticed that the plea of forgery is not taken in the plaint pleadings, the plaintiff, as an afterthought, filed the present petitions and the trial court also observed that the court can compare the signatures of the defendant in the suit promissory note with the admitted signatures available on record and can decide whether the signatures are forged. Having regard to the facts and circumstances and discretion exercised by the court below, I do not find any reason to interfere with the impugned orders and the revision petitions are liable to be dismissed.

The revisions petitions are dismissed. No costs.

AVS -----

02—04—2015