

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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C.R.P.No. 4507 of 2014

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Date of Judgment: 19.3.2015

Between:

Tatikonda Padma Rao

...Petitioner

And

Gelli Srinivasa Gupta

..Respondent

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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C.R.P. NO. 4507 of 2014

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ORDER:

Heard learned counsel for the petitioner.

The petitioner herein who is the defendant in O.S.No. 109 of 2012 on the file of the Senior Civil Judge, Chirala, filed I.A.No. 640 of 2014 seeking to send disputed signatures on the suit pro notes to a handwriting expert for comparison with admitted signatures. The said application was opposed by the plaintiff before the trial Court on the ground that the defendant admitted the execution of suit

pro notes – Exs.A1, A4 and A7 and secondly though the suit pro notes are of 2006 and the disputed signatures on the part payment endorsements are of 2009 and 2011, the defendant has not produced contemporary documents containing his admitted signatures so as to compare them with the disputed signatures. Hence the application was rejected by the trial Court under the impugned order.

Even when the revision petition was heard on the last occasion, the petitioner/defendant was given opportunity to find out contemporary documents containing his admitted signatures, but no such documents are produced. The trial Court was right in rejecting the application of the defendant as the contemporary documents are necessary for comparing them with the disputed signatures as the signatures vary over a period of time. It is also noticed that the plaintiff has already led his evidence and the defendant is yet to adduce his evidence. Hence it is for the defendant to lead appropriate evidence including on the disputed signatures. The application filed by the defendant was rightly rejected by the trial Court. There are no reasons to interfere with the impugned order.

The revision petition is accordingly dismissed along with miscellaneous applications, if any. No order as to

costs.

Dt. 19.3.2015
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VILAS V. AFZULPURKAR, J