

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.4112 of 2014

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the order dated 20.10.2014 passed in I.A.No.408 of 2013 in O.S.No.489 of 2011 on the file of the II-Additional Senior Civil Judge at Vijayawada.

The respondent herein filed the aforesaid suit against the petitioner herein for recovery of money based on a promissory note alleged to have been executed by the petitioner. Prior to filing of the present I.A with a prayer to send Ex.A1-promissory note to the Handwriting Expert for comparison of the disputed signature of the petitioner with his admitted signatures, the petitioner filed I.A.No.1036 of 2012 under Section 45 of the Indian Evidence Act seeking the same relief as sought in the present I.A. and the same was dismissed on 25.04.2013. Questioning the same, the petitioner preferred a revision before this Court, but subsequently it was withdrawn. Thereafter, the present application is filed. However, the trial Court, by the impugned order dated 20.10.2014, dismissed the application by referring to the earlier order

passed in I.A.No.1036 of 2012. Feeling aggrieved thereby, the present Civil Revision Petition is filed.

Having heard learned counsel for the petitioner, I have perused the material available on record.

Learned counsel for the petitioner submitted that earlier application in I.A.No.1036 of 2012 was dismissed only on the ground that the petitioner has not submitted any documents of contemporaneous period to that of the alleged suit promissory note for the purpose of comparison of the disputed signature.

Admittedly, the revision filed against the dismissal order of an application in I.A.No.1036 of 2012 filed for the same relief as prayed for in the present petition, was withdrawn without seeking liberty to file a fresh petition. As such, it is not open for the petitioner to file another petition seeking the same relief as sought for in I.A.No.1036 of 2012. In these circumstances and also in view of the reasons recorded by the trial Court, I do not find any merit in this revision warranting interference of this Court in exercise of revisional jurisdiction under Article 227 of the Constitution of India.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE R. SUBHASH REDDY

23.01.2015
v v