

HON'BLE SRI JUSTICE G. CHANDRAIAH

C.R.P. No. 4662 of 2015

DATE: 06.11.2015

Between:

Nandigama Venkata Krishna
Pavan Kumar

.. Petitioner

and

Ponnuru Srinivas

.. Respondent

ORDER:-

This Civil Revision Petition is directed against the order dated 02.09.2015 passed in I.A.No. 310 of 2015 in O.S.No. 1140 of 2013 by the learned II Additional Senior Civil Judge, Vijayawada.

The brief facts of the case are that the respondent – plaintiff filed a suit in O.S.No. 1140 of 2013 on the file of the Court of II Additional Senior Civil Judge, Vijayawada against the petitioner-defendant for recovery of a sum of Rs.3,00,000/- on the foot of promissory note dated 20.09.2010 alleged to have been executed by the defendant in favour of the plaintiff. During pendency of the suit, the defendant has filed I.A.No. 310 of 2015 seeking to send the alleged promissory note with his admitted signature and hand-writings for expert's opinion, however, the trial Court, by the impugned order, dismissed the application.

A careful perusal of the impugned order reveals that even though the defendant has pleaded that he neither saw the plaintiff nor ever heard his name and that the suit promissory note is forged and fabricated one, he has deposed in his cross-examination that he knows the plaintiff for about 5 to 6 years inasmuch as he used to reside beside the house of the plaintiff's grandfather. Further, in the cross-examination of PWs.1 and 2, nothing is elicited to the effect

that the alleged promissory note is a fabricated document.

From the above, it is evident that the defendant filed the interlocutory application only with a view to dragging on the proceedings in the suit, as such, this Court is of the view that the trial Court is rightly justified in dismissing the I.A.

Hence, there is no merit in this Civil Revision Petition and the same is accordingly dismissed. No order as to costs.

As a sequel to the dismissal of the Civil Revision Petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

06.11.2015

bcj