

THE HON'BLE SRI JUSTICE R. KANTHA RAO

CRP No.820 of 2015

Oral Order :

Heard the learned counsel for the petitioner.

The petitioner herein is the 1st defendant in O.S.No.126 of 2011 on the file of the Court of Senior Civil Judge, Tadepalligudem, West Godavari District. The suit is based on a promissory note allegedly executed by the defendants. During the course of trial, the petitioner-1st defendant filed an application under Section 45 of the Indian Evidence Act to send the suit promissory note for comparison of the disputed signature with the admitted signatures of the petitioner. The said petition was dismissed by the trial Court. Feeling aggrieved, the present Civil Revision Petition has been filed by the petitioner.

The trial Court recorded a finding that the petitioner in the written statement specifically contended that in connection with some other dispute between the parties, a 'Panchayat' was held before the elders and in that context signatures of the petitioner and his brother-in-law were obtained separately on some empty papers and promissory notes and that suit promissory note was fabricated on one of the said documents. Basing on the stand taken by the defendant-petitioner, the learned trial Court took the view that since signatures on the promissory notes are admitted, there is absolutely no purpose in sending the suit promissory note for the handwriting expert for comparison with the admitted signatures for opinion. I do not find any illegality or irregularity in the impugned order warranting interference of this Court.

The Civil Revision Petition is meritless and is dismissed

at the admission stage.

JUSTICE R. KANTHA RAO

Dated 27.3.2015

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