

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.2973 of 2016

ORDER:

Aggrieved by the dismissal of an application for referring Ex.A.6 endorsement on the suit promissory note to a Handwriting Expert, by the order dated 22-04-2016 passed in I.A.No.334 of 2016 in O.S.No.5 of 2014 by the Principal Junior Civil Judge, Nuzvid, the defendant has come up with the above revision petition.

Heard Sri Sreenivasa Rao, learned counsel for the petitioner.

As rightly pointed out by the trial Court, the execution of the suit promissory note is not denied. The signature in the promissory note is not denied. What is denied is only the endorsement marked as Ex.A.6 on Ex.A.7. Therefore, the trial Court rightly said that the procedure under Section 73 of the Indian Evidence Act, 1872 could be followed in view of the fact that the contemporaneous signatures are available. I find no reasons to interfere with the order of the Court below.

Accordingly, the Civil Revision Petition is dismissed. The petitioner can raise the issue of Section 73 of the Evidence Act at the time of trial. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 24-06-2016

Ksn