

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 3912 of 2016

Order:

The petitioner herein is the defendant in O.S. No.164 of 2012 on the file of the Junior Civil Judge, Kanigiri. The suit was filed for recovery of an amount of Rs.96,680/-. During the course of trial, the petitioner herein filed I.A.No.219 of 2016 seeking issuance of summons to the Officer, I.O.W. Water Supply Department, South Central Railway, Satyanarayanapuram, Vijayawada to give evidence for production of admitted signatures of the petitioner containing in the acquaintance register and attendance register for comparison of the same with the signatures containing in the suit promissory note. The said application was filed on the ground that he is in the habit of signing only in English, but the suit promissory note contains the signature in Telugu and by producing the official records his practice would be made clear.

A counter affidavit was filed stating that even if summons were issued and the required registers are produced, the Court would not be in a position to compare the signatures as both would be in different languages. It was also stated that the petitioner ought to have filed an application for seeking expert's opinion on the signatures and the present application was not maintainable in law.

The trial Court dismissed the said application with the following observations.

“6. Point for Consideration: The petitioner prays to summon the Officer, I.O.W. Water Supply Department, South Central Railway, Satyanarayanapuram, Vijayawada to give evidence producing admitted signatures containing in acquaintance register and attendance register for comparison of the same signatures containing in the suit

promissory note to arrive just decision. As he taken defense in his written statement he used to sign in English language not in Telugu language so that he required the comparative signatures basing on the counter filed by the defendant i.e., the Sec.73 of Indian Evidence Act it is very easy and speedy disposal of the case to compare the signature, the correctness of the signature of the Presiding Officer and not necessary to serve the summons to witness and give evidence because the Sec.73 of Indian Evidence Act is enough to come to the conclusion the signatures of defendant on promissory note belongs to him or not. This Court feels the same as it is simple and easy and without expense and time saving to compare the signature of the defendant. Hence the petition is dismissed.”

Though the order of the trial Court is unintelligible, this Court is in concurrence with the conclusion arrived at by the trial Court and confirming the said order the Civil Revision Case deserves to be dismissed.

The Civil Revision Case is, accordingly, dismissed at the admission stage. There shall be no order as to costs. The miscellaneous applications pending, if any, shall stand closed.



A. RAMALINGESWARA RAO, J

Date: 21.10.2016
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