

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 4268 OF 2016

ORDER :

Order dated 17.06.2016 in I.A.No. 61 of 2016 in O.S.No. 108 of 2002 on the file of the Court of the Junior Civil Judge, Atmakur, SPSR Nellore District is under challenge in this Civil Revision Petition filed under Article 227 of the Constitution of India.

The petitioner herein is the defendant in O.S.No. 108 of 2002 filed by the respondent-plaintiff for recovery of certain amount on the foot of a promissory note dated 25.12.1999 executed by the petitioner in the name of one Sri Menta Sreenivasulu, who, later on, transferred the same in favour of the respondent herein. The petitioner has also filed the written statement in the suit. On behalf of the respondent-plaintiff, P.Ws. 1 to 5 were examined and Exs.A1 to A5 were got marked. On behalf of the petitioner-defendant, D.W.1 was examined. At that stage, the petitioner filed I.A.No. 278 of 2012 to send Ex.A1 suit promissory note for opinion of the hand-writing expert. The said I.A. was allowed on 20.06.2013, but however, the hand-writing expert could not give the opinion as the defendant failed to send the required documents along with the admitted signatures. Now, again, the defendant has come up with the present Application seeking to send Ex.A1 for securing opinion of the hand-writing expert, this time, at Pune. The Court below, in the above fact scenario, has dismissed the said I.A. on the ground that the defendant, just to protract the proceedings, has come up with the said Application.

Sri Ch. C. Krishna Reddy, learned counsel for the petitioner strenuously contends that the signature on Ex.A1 was a forged one and if the petitioner is not permitted to send the said document for expert opinion, great injustice would be done to him.

From the material available on record, it is clear that the suit is of the year 2002. Plaintiff's evidence was closed by 30.10.2012. At the stage of defendant's evidence, I.A.No. 278 of 2012 was taken out seeking Ex.A1 to be sent to the expert for his opinion and the same was allowed on 20.06.2013. The document sent was returned by the expert, as it was not accompanied with the necessary documents. Hence, no expert opinion could be obtained from the Forensic Science Laboratory at Hyderabad, which is purely on account of the negligence of the petitioner in making available the necessary documents. Now, the present I.A. is filed seeking, once again, to send Ex.A1 for opinion of the hand-writing expert at Pune. The Court below, after analysing the factual situation, had come to the conclusion that the defendant has been adopting delay tactics and hence, dismissed the I.A. There being no other material to come to a contra conclusion, this Court is of the opinion that the order made by the Court below does not warrant any interference.

The Civil Revision Petition is therefore, dismissed. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

