

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.4995 of 2016

ORDER:

The request of revision petitioner/defendant is to receive petitioner's handwriting in public court and send the suit promissory note for the opinion of handwriting/finger print expert particularly with reference to writing of date, month and year on the suit promissory note. The trial court has concluded the order as follows:-

“..... As this defendant was in urgent need of money he agreed all the conditions of the plaintiff. Accordingly in the month of March 2011 the defendant executed two separate promissory notes each for Rs.1,00,000/- with his own handwriting without mentioning date, month and year, then only the plaintiff lent Rs.1,00,000/- to the defendant. From the above pleadings, the defendant himself is having knowledge of the said fact and left the date, month and year blank. Whether the said aspect amounts to material alteration or not can be decided in the judicial proceedings and does not need any expert's opinion. As both parties adduced evidence on either side when there is direct evidence placed before the Court it is the Court, which has to decide the said fact in issue. There are no merits to allow the petition.”

From the above, it is clear that the trial court with an open mind and by taking recourse to power conferred under Section 73 of the Evidence Act is prepared to examine and decide the issue.

Having perused the findings recorded by the trial court, the issue is left open for consideration by the trial court while deciding the suit.

Since the objections of petitioner are not decided otherwise overlooked, this court is not entertaining the revision.

With the above observation, the revision fails and accordingly dismissed. No order as to costs.

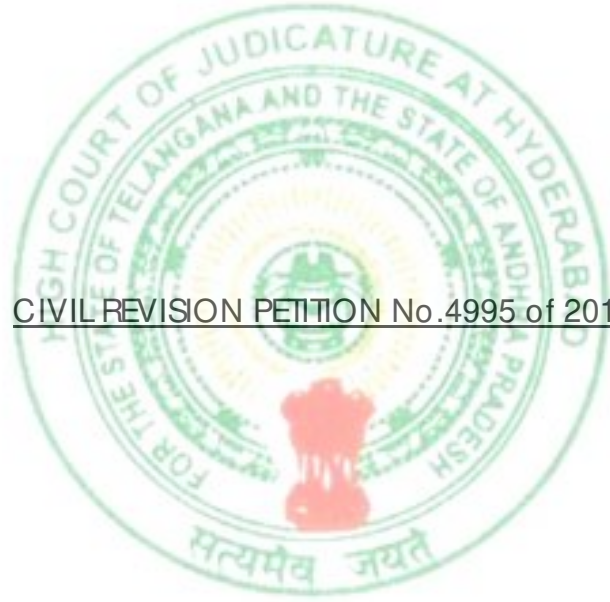
Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 01-11-2016
Prv

S. V. BHATT, J



THE HON'BLE SRI JUSTICE S.V.BHATT



CIVIL REVISION PETITION No.4995 of 2016

01-11-2016

Prv