

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.5381 of 2016

ORDER :

Heard the counsel for petitioner. None appeared for respondent.

2. This Revision is filed challenging the order dt.18.08.2016 in I.A.No.548 of 2016 in O.S.No.239 of 2013 on the file of Additional Senior Civil Judge, Eluru.

3. The petitioner herein is defendant in the above suit.

4. The respondent filed the suit against petitioner for recovery of money on the basis of a promissory note.

5. Written statement was filed in 2013 by petitioner taking the plea that the suit promissory note is a forged and fabricated document.

6. Thereafter, trial commenced and concluded, and the evidence of petitioner was closed on 14.03.2016.

7. Thereafter, I.A.No.548 of 2016 was filed under Section 45 of the Indian Evidence Act, 1872 by petitioner for comparison of the signature on the suit promissory note by a handwriting expert along with signatures obtained in the Court.

8. On the ground that this application was filed after the evidence of petitioner was closed, and that the petitioner did not take any steps

earlier thereto, the Court below dismissed the application stating that there were no *bona fides* on his part.

9. Challenging the same, the present Civil Revision Petition is filed.

10. Though the counsel for petitioner sought to contend that the impugned order is erroneous and opportunity should be given to petitioner to establish that the suit promissory note is a forged one, having regard to the fact that the petitioner had taken the plea that the suit promissory note was a forgery in the written statement itself, he ought to have taken steps for sending the document to the expert before his evidence was closed on 14.03.2016. It is only thereafter that he filed I.A.No.548 of 2016.

11. Therefore, I am of the opinion that the Court below was right in holding that there are no *bona fides* on the part of petitioner and that he had failed to take appropriate steps to prove his plea of forgery before his evidence was closed.

12. Therefore, I do not find any merit in the Revision and it is accordingly dismissed. No order as to costs.

13. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-11-2016

Ndr/*