

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CIVIL REVISION PETITION No.1117 OF 2016
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ORDER:

Heard the learned counsel for the petitioners and the learned counsel for the respondent. With the consent of counsel appearing for both sides, the present Civil Revision Petition is disposed of at the admission stage.

2. The present Civil Revision Petition is filed under Article 227 of the Constitution of India questioning the order dated 23.12.2015 passed in Interlocutory Application No.131 of 2015 in Original Suit No.27 of 2011 by the learned District Judge, Chittoor, wherein and whereunder, an application filed under Section 151 C.P.C., to reopen the suit for the purpose of sending Ex.A.1 to the handwriting expert for opinion, was dismissed.

3. Petitioners herein are the defendants and the respondent herein is the plaintiff in the above suit.

4. Plaintiff filed the above suit against the defendants basing on a promissory note dated 05.05.2009 for a sum of Rs.25,00,000/- alleged to have been executed by the defendants.

Defendants filed I.A.No.131 of 2015 to reopen the suit for sending Ex.A.1-promissory note to the handwriting expert on the ground that the plaintiff filed the suit by forging their signatures. A counter came to be filed by the plaintiff opposing the same.

5. After considering the rival arguments, the Interlocutory

Application was dismissed. Challenging the same, the present revision is filed.

6. It is to be noted that in para No.6 of the Chief Examination of DW.1 it was stated as under:

“6. I submit that the plaintiff and his father bore grudge against myself and my husband as my son filed I.P. against him, the father of the plaintiff filed this suit in the name of the plaintiff for getting wrongful gain from myself and my husband by forged signatures of myself and my husband with the help of scribe and attestors who are their henchmen taking the advantage of having our signed empty and stamped papers in his custody obtained at the time of we supplied jaggery to the plaintiff's father Mundi. We have no need to borrow such huge amount and also the plaintiff has no capacity to lend such amount as mentioned in the pronote.”

In view of the admission made by DW.1, there is no necessity to send the document to the handwriting expert. Further the material on record discloses that entire evidence is over and the suit was coming up for arguments. At this stage, the present application came to be filed with a view to drag on the litigation. No reasons are forthcoming as to why the defendants kept quiet for such a long time in requesting the Court to send the document to the handwriting expert, though they know about the same long prior to the date of filing of the application.

7. Accordingly, the Civil Revision Petition is dismissed. Consequently, Miscellaneous Petitions, if any, pending in this revision shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:17.06.2016
INL