

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.1147 OF 2016

ORDER

This civil revision petition under Article 227 of the Constitution arises out of the order dated 19.01.2016 of the learned Additional District Judge, Narsapur, in I.A.No.406 of 2015 in O.S.No.29 of 2012. The petitioner is the defendant in the said suit filed for recovery of money on the basis of a promissory note. She filed the subject I.A. under Section 45 of the Indian Evidence Act, 1872, to send the suit promissory note to a handwriting expert for comparison of the signature therein with her admitted signatures available on record. By the order under revision, the trial Court dismissed the application.

Perusal of the order under revision reflects that the signature in the disputed promissory note was in English while the signatures of the petitioner/defendant in the Vakalat and the Written Statement filed in the suit were in Telugu. Even her signatures in the subject application were in Telugu. As there were no admitted signatures of the petitioner/defendant in English available, the trial Court opined that there was no comparable signature for the purpose of inviting an expert opinion. Holding so, the trial Court dismissed the application.

This Court finds no irregularity in the reasoning of the trial Court. A signature in English cannot be subjected to comparison with a signature in Telugu for the purpose of ascertaining whether it was scribed by the same hand. In effect, there was no comparable signature made available by the petitioner/defendant for the purpose of securing an expert opinion. This Court therefore finds no ground to interfere with the well reasoned and cogent order passed by the trial Court.

The civil revision petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

7th APRIL, 2016

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SANJAY KUMAR, J