

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos. 5846 & 5935 OF 2016

COMMON ORDER:

- 1) Since both the C.R.Ps., are filed against the orders passed in O.S.No.232 of 2015 on the file of the Additional Senior Civil Judge, Madanapalle, they are being disposed of by this common order.
- 2) Heard Sri Md. Saleem, learned counsel appearing for the petitioner/defendant.
- 3) The respondent herein, who is the plaintiff in O.S.No.232 of 2015 filed the above suit against the petitioner herein, who is the defendant in O.S.No.232 of 2015, for recovery of an amount of Rs.5,03,800/- with interest at 24% p.a., on the principal amount of Rs.3,00,000/- from the date of suit till realization. In the said suit, a written statement came to be filed denying all the averments made in the plaint. Pending the said suit, I.A.No.357 of 2016 came to be filed under Order XXVI Rule 10-A and Section 151 and 94(e) of the Code of Civil Procedure (in short "the CPC") with a request to send the suit promissory note and admitted signatures to Government Handwriting Expert (Chemical Examiner) to prove age of the writing in the suit promissory note and the signatures of the defendant in it. The respondent filed counter opposing the same. Considering the facts and circumstances, the said application came to be allowed with a direction

to the petitioner to appear before the Court on 27.06.2016 along with admitted signature documents and also to deposit the amount towards Expert fee in the name of Truth Lab, Hyderabad. In pursuance to the said order, the petitioner herself filed her Passport issued by the Government of India and the Notary affidavit dated 09.06.2010. After receipt of the report, the petitioner raised objections in I.A.No.357 of 2016 and sought to scrap or reject the Expert report. After considering the reply to the objections raised by the petitioner, the trial court closed the objections raised in I.A.No.357 of 2016 on 19.09.2016. Immediately thereafter, the petitioner filed another I.A., vide I.A.No.1013 of 2016 in O.S.No.232 of 2015 under Order 26 Rule 10-A read with Section 151 of the CPC, seeking the same relief, but sought with a request to send the same to Government Examination of questioned document bureau of Police research and Ministry of Home affairs, Government of India, O.U. Campus, Ramanthapur, Hyderabad. After hearing both the parties, the trial court dismissed the said I.A. Aggrieved by the same, these two C.R.Ps., came to be filed.

4) Learned counsel for the petitioner mainly submits that the opinion given by private hand writing expert is not authenticated and it cannot be considered as there are no scientific methods are available with the private hand writing experts. However, the same is opposed by the learned counsel for the respondent contending that as

the Handwriting Expert gave his opinion that the admitted signatures and the signature on suit pronote pertain to defendant, the petitioner came with another application stating that the Expert opinion is not true and proper and that the present petitions are filed only to drag on the proceedings and sought for dismissal of the same.

5) While allowing the earlier petition filed to send the document for Expert opinion, the trial Court directed the petitioner to appear before the Court on 27.06.2016 along with admitted signature documents and deposit the Expert fee in the name of Truth Lab. Infact, if the petitioner was having any objection with regard to the genuinity of the Expert and his report, definitely he should have raised the said objection before paying the Expert fee. Further, the petitioner had sufficient opportunity to raise objections before sending the document to Truth Lab, but did not avail the same. Moreover, the petitioner without making any effort to examine the Expert, filed numerous petitions seeking to scrap the report and for sending the same document again to another Expert, shows her intention to keep the matter pending. The only objection, raised by the petitioner is that the report of the private lab should not have been taken into consideration as it is managed one and as such the same warrants no interference by this Court. It is to be noted that opinion of the Expert is not binding on the court as it is only an opinion

expressed by any authority. The petitioner can always diminish the same.

6) Having regard to the above circumstances, both the Civil Revision Petitions are dismissed. No costs. As a sequel to it, miscellaneous petitions pending if any in these C.R.Ps., shall stand closed.

C. PRAVEEN KUMAR, J

Date:16.12.2016
GM

