

**HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**CIVIL REVISION PETITION No.3900 OF 2011**

**ORDER:**

The civil revision petition is filed questioning the order dated 03.08.2011, passed by the Principal Senior Civil Judge, Tirupati in I.A.No.993 of 2011 in O.S.No.49 of 2010.

It is the case of the petitioner that she is the defendant in the above said suit filed by the respondent/plaintiff for recovery of the amount of Rs.1,28,200/- based on Ex.A.1 promissory note. The suit is at the stage of adducing the evidence. P.Ws 1 and 2 were examined and at that stage defendant filed the present I.A.No.993 of 2011 under Section 45 of the Evidence Act, 1872 and read with Order 26 and Rule 10A of CPC to send Ex.A.1 promissory note for the opinion of the Government Hand Writing Expert. Thereafter, after hearing the arguments of both sides, the Court below dismissed the said I.A. Questioning the same, the present revision petition is filed.

Heard the learned counsel for the petitioner. None appeared for the respondent.

It is the contention of the learned counsel for the petitioner that Ex.A.1 promissory note and the cheque dated 29.08.2008 were not executed on the same day and the debt itself is not legally enforceable and the Ex.A.1 document is a fabricated one. The suit claim itself is not genuine and when the defendant had denied the execution of the suit promissory note, the Court below ought to have sent Ex.A.1 document for expert's opinion.

On behalf of the plaintiff, P.Ws.1 and 2 were examined and in their evidence, it was elicited that the said promissory note was executed by the defendant on 28.12.2006 in favour of the plaintiff. The suit promissory note itself was a printed proforma and at the time of execution of the same, the plaintiff, Janikiram, V. Chittibabu, defendant and Raghunath Reddy were present. When the suggestion made to the P.W.1 that the plaintiff obtained the blank

signed promissory note and cheque in connection with earlier transactions, he denied the same and the signature in Ex.A.1 document is not in dispute and infact it was admitted. Therefore, in view of the fact that the signature on Ex.A.1 promissory note was admitted by the defendant and further after comparing with the signature in Ex.A.1 and the signature in the deposition of D.W.1 and written statement are one and the same, the Court below came to the conclusion that there is no necessity to send the disputed document for expert's opinion. Further, there is no compelling circumstances, except denying the signature and seeking the document to be sent to expert's opinion at a belated stage, there is no tenable arguments advanced by the petitioner contradicting to discard the finding arrived at by the Court below. In that view of the matter, the order impugned does not call for any interference and the same is liable to be dismissed.

Accordingly, the civil revision petition is dismissed. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

---

**CHALLA KODANDA RAM,J**

Date:29.01.2016.

Gk

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

-  
-  
-  
-  
-  
-  
-  
-  
-  
-  
-  
-  
-

-  
-  
-  
-  
-  
-  
-  
-  
-

**CIVIL REVISION PETITION No.3900 OF 2011**

-  
-  
-

**Date:29.01.2016**

Gk