

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP No.2061 OF 2016

ORDER:

This civil revision petition is filed against the order dated 02-02-2016 passed in IA No.2831 of 2015 in OS No.57 of 2014 by the learned Principal Junior Civil Judge, Kurnool, dismissing the said IA, filed under Order 26, Rule 10 CPC, r/w. Section 45 of the Evidence Act to send the disputed signature of the 1st defendant on Exs.A-2 and A-3 for comparison with the admitted signatures in the vakalath and written statement for expert opinion and report.

2. Heard the learned counsel for the petitioner. Perused the impugned order passed by the trial Court.

3. The case of the 1st defendant-petitioner herein is that he has not acknowledged on the loan agreement by him on 01-12-2010 and 23-02-2011 and that his signature is forged and, therefore, seeks to send both his signatures on loan agreement and also on vakalath and written statement for expert opinion. It is to be seen that Exs.A-2 and A-3 are filed into the Court long back and the 1st defendant might have been aware of these documents even previously. As observed by the trial Court, he did not move in the matter seeking for such a relief all these two years and it is only when the matter is coming up for his evidence, he has come up with this plea.

4. Time and again it is held by this Court and as well as by the Supreme Court that the Court has power to compare the disputed signature with that of the admitted signature and the question of seeking for expert opinion arises only when the Court, on its own could not come to a definite conclusion. Even otherwise, the expert opinion given in a particular case is not final and it is subject to assessment by the Court.

5. In the circumstances, I do not find any illegality or irregularity in the impugned order passed by the Court below warranting interference by this Court in its revisional jurisdiction under Article 227 of the

Constitution and accordingly the civil revision petition is dismissed.
Miscellaneous petitions, if any, pending in this case shall also stand dismissed. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 22.04.2016
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