

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No. 1127 of 2016

ORDER :

The present Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dated 18.01.2016 in I.A. No.1049 of 2015 in O.S. No.362 of 2008 on the file of the Additional Senior Civil Judge, Chittoor, wherein the request of the petitioner/defendant to send Ex.A1-suit promissory note to Hand-writing Expert was rejected.

2. The respondent/plaintiff filed Original Suit No.362 of 2008 on the file of the Additional Senior Civil Judge, Chittoor for recovery of money under the alleged promissory note dated 23.01.2005. The said suit was opposed by the petitioner/defendant stating that he never borrowed any amount from the respondent/plaintiff and signatures on the promissory note were forged.

3. Heard the learned counsel for the petitioner.

4. A perusal of the material on record shows that earlier, the petitioner/defendant filed I.A. No.1121 of 2014 before the trial Court to send the suit promissory note to Hand-writing Expert for comparison of the disputed signatures with the admitted signatures and opinion. The said petition was allowed by the trial Court and the suit

promissory note was sent to A.P. Forensic Science Laboratory, Red Hills, Hyderabad. After comparison, the expert gave his opinion on 30.05.2012. Dissatisfied with the said opinion, the present application came to be filed for sending the suit promissory note to another expert viz. the Hand-writing Expert, Ulhal Athale, 7, East High Court Road, Nagpur, for opinion, which was rejected by the trial Court. Challenging the same, the present revision is filed.

5. Learned counsel for the petitioner submits that the earlier report given by the Expert is not in accordance with law and as such it is necessary to send the suit promissory note for comparison of the disputed signatures along with admitted signatures to the Hand-writing Expert at Nagpur. It is to be noted that the earlier Expert gave opinion on 30.05.2012 and the present application came to be filed long thereafter seeking to send the very same document to another expert. The earlier report which was given by the competent authority i.e. Andhra Pradesh Forensic Science Laboratory, Red Hills, Hyderabad, has become final. No acceptable reasons are placed before the Court to show as to how the said report is incorrect or not in accordance with law. Therefore, finding of the trial Court in rejecting the present application warrants no interference and as such, the revision is devoid of merits.

6. The Civil Revision Petition is accordingly dismissed. No costs. Pending miscellaneous petitions in the Writ Petition shall stand closed. However, it is always open to the petitioner to test the contents of the expert report by leading appropriate evidence during the course of trial, if the same is still in progress.

C.PRAVEEN KUMAR, J

03.06.2016

DRK

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C.R.P.No.1127 of 2016

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