

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.3032 of 2017

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.01-03-2017 in I.A.No.1191 of 2015 in O.S.No.154 of 2014 of the VII Additional District and Sessions Judge, West Godavari, Eluru.

2. Petitioner is defendant in the suit. The suit was filed by respondent for recovery of money on the basis of promissory note.

3. After trial was completed and the matter was posted for arguments, the petitioner filed I.A.No.1191 of 2015 under Section 45 of the Evidence Act, 1872 to send the suit promissory note for comparison with his admitted signatures to a Government Handwriting Expert, but he did not furnish any admitted signatures to the Court which could be used for comparison of the signature purported to be his on the promissory note. Therefore, on 01-03-2017, the said I.A. was dismissed.

4. Though learned counsel for petitioner contends that the impugned order is erroneous and deserves to be set aside, I do not agree with the said submission since it is the duty of the petitioner to specify which signature of his on what document is his admitted signature, which is to be compared with the disputed signature on the promissory note. Therefore, I do not see any error of jurisdiction in

the order passed by the Court below warranting interference under Article 227 of the Constitution of India.

5. Accordingly, the Civil Revision Petition is dismissed at the stage of admission. No costs.

6. Miscellaneous applications pending if any in this Revision shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 21-07-2017

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