

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.3719 of 2017

ORDER:

The petitioner, who is a defendant in a suit for recovery of money on promissory note, has come up with the above revision challenging an order of the trial Court rejecting the application to send the promissory note for examination by the Handwriting Expert.

2. Heard Mr. Nimmagadda Revathi, learned counsel for the petitioner.

3. The signature in the promissory note was not denied by the petitioner herein. His case was that the revenue stamp affixed on the promissory note was not of the year 2014 and that a promissory note given by him to one Jyothi Venkata Srinivasa Rao, in respect of a different transaction, might have been made use of by the plaintiff.

4. On the basis of the said allegations, the Court below rightly thought that the question of referring the promissory note for examination by a Handwriting Expert may not arise.

5. The learned counsel for the petitioner placed reliance upon the decision of the Supreme Court in **Shashi Kumar Banerjee and others v. Subodh Kumar Banerjee**¹, in para 23 of which, the Supreme Court pointed out that there are chemical tests to determine the age of the ink.

6. But I do not think that the said decision has any application to the case on hand. The defence taken by the petitioner in the

¹ AIR 1964 Supreme Court 529

written statement, does not lend support to the case of the petitioner warranting examination by the Handwriting Expert.

Therefore, the Civil Revision Petition is dismissed. There will be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 28-07-2017

Ksn

