

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.1517 OF 2017

ORDER:

Vide the present petition, the petitioner has assailed the order dated 10.03.2017 passed in I.A.No.37 of 2017 in O.S.No.35 of 2016 on the file of Senior Civil Judge, Repalle.

2. Vide the aforesaid I.A., the petitioner/defendant filed a petition before the Senior Civil Judge, Repalle, under Section 45 of Indian Evidence Act, to send Ex.A1 promissory note, dated 22.07.2013, to the Handwriting Expert, to examine the same and to give opinion about the material alterations and genuineness of writings found on the suit promissory note by comparing the writings in amount column and signature with that of other writings of suit promissory note.

3. The case of the petitioner/defendant before the trial Court is that he did not execute the suit promissory note and in fact he handed over empty signed pronote by mentioning Rs.60,000/- in amount column. But there is a material alteration at the amount column i.e., Rs.60,000/- which was altered as Rs.2,00,000/- and also writings in the amount column to the extent of Rs.60,000/- and that his signature is one and the same and varies with that of other writings of suit promissory note.

4. Learned counsel appearing on behalf of the respondent/plaintiff submits that without any specific plea in the written statement, the present petition for expert opinion, on that aspect is no relevancy of evidence in the present suit. If it is gone through the contents of suit promissory note, it is very clear that there are no such material alterations as stated by the petitioner appear on the face of suit promissory note and that the said recitals of the suit promissory note are very clear and too visible. There are no over writings, additions and alterations, and hence, there is no substance in the case of the petitioner.

5. On a perusal of amount column, the amount of Rs.2,00,000/- was filled. As such, the contention taken by the petitioner is not tallied with the version of Ex.A1. The Court below finds that nobody can write the figure '6' with figure big '0' which equated to other '0's by adding one curve to the top of that figure '0' to make it as '6' and that particularly in pronote, no such gap will be left by anybody from the letters 'Rs.', in which, nearly three figures can be inserted.

6. In view of the above, I find no ground to interfere in order dated 10.03.2017 passed in I.A.No.37 of 2017 in O.S.No.35 of 2016 on the file of Senior Civil Judge, Repalle.

7. Finding no merit in the instant petition and the same is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date : 14-07-2017
Gvl

