

HON' BLE SRI JUSTICE G. SHYAM PRASAD

C.R.P. No. 2615 of 2017

ORDER:-

This Civil Revision Petition is directed against the order dated 06.03.2017 in I.A.No. 13 of 2017 in O.S.No. 31 of 2015 passed by the Senior Civil Judge, Parvathipuram.

The revision petitioner is the defendant against whom O.S.No. 31 of 2015 has been filed for recovery of money based on promissory note.

In the suit, the defendant has filed I.A. No. 13 of 2017 under Section 45 of the Indian Evidence Act read with Section 151 C.P.C. to send Ex.A1 – promissory note and the document marked in the evidence on behalf of the defendant which is Ex.B1 for comparison to the expert to prove his signature on Ex.A1. The trial Court, on consideration of the pleadings and the material available on record, has fairly dismissed the application on the ground that Ex.B1, which is filed by the defendant along with written statement, is a self-serving document. It has also observed that DW1, in his cross-examination categorically admitted the signature on Ex.A1 – promissory note as his signature, and therefore, the question of sending the same for comparison does not arise.

As a matter of fact, the plaintiff filed the suit for recovery of money against the defendant based on a

promissory note – Ex.A1. It is obvious that the defendant was examined as DW1 and he has admitted in his cross-examination categorically that the signature on Ex.A1 is his signature, as such, the question of sending such document to the expert for comparison does not arise. Once the defendant has admitted a certain fact in his evidence such fact need not be proved again, therefore, there are no valid grounds to interfere with the order of the trial Court.

Hence, there is no merit in the Civil Revision Petition, and the same is accordingly is dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

08.09.2017

bcj

G. SHYAM PRASAD, J

