

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.4476 of 2017

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 26.07.2017 passed by the learned V Additional District Judge, Rajamahendravaram, East Godavari District, in I.A.No.2235 of 2016 in O.S.No.78 of 2015. The said I.A. was filed by the petitioner herein, being the defendant in the suit, under Section 45 of the Indian Evidence Act, 1872, praying that Ex.A1 promissory note should be sent to a forensic expert along with admitted signatures for comparison and opinion. By the order under revision, the trial Court dismissed the application. Aggrieved thereby, she is before this Court.

Perusal of the written statement filed by the petitioner/defendant reflects that, having asserted, on the one hand, that the suit promissory note is a rank forgery, she stated, on the other hand, that the daughter-in-law of the plaintiff obtained blank printed promissory note duly signed by her as collateral security in relation to some money transactions. That being so, even if the forensic examination of the suit promissory note reveals that the signature thereon is that of the petitioner/defendant, she would be in a position to account for the same by virtue of her alternative plea in the written statement.

This being the situation, this Court is of the opinion that no purpose would be served by sending the suit promissory note for examination by an expert in relation to the signature therein. The order holding to this effect passed by the trial Court therefore does not brook interference on this ground.

The C.R.P. is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

SANJAY KUMAR,J

Date:27.10.2017

GJ