

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 3925 OF 2017

ORDER:

Defendant in the suit is the petitioner herein. Respondent herein is the plaintiff, who filed O.S. No. 204 of 2011 on the file of the Court of the I Senior Civil Judge at Nellore for recovery of certain amount, on the foot of a promissory note. In the said suit, the petitioner - defendant filed I.A. No. 135 of 2017 under Section 45 of the Indian Evidence Act to send the document Ex.A1 promissory note to the handwriting expert attached to A.P. State Forensic Science Laboratory, Hyderabad to confirm suspicions in handwriting pattern between date and amount in figures. The said Application came to be dismissed *vide* order dated 20.06.2017, which is impugned in this Revision.

Heard learned counsel for the petitioner.

It is the case of the petitioner that there are number of variations in the body of the promissory note. Hence, to ascertain the genuineness, the promissory note is required to be sent to Andhra Pradesh State Forensic Science Laboratory, Hyderabad and that no prejudice would be caused to the respondent – plaintiff if the same is sent to opinion. Similar arguments were advanced before the Court below. The Court below had taken into consideration the fact that the petitioner-defendant had admitted in evidence execution of the promissory note. In the written statement also, it was categorically admitted that the petitioner had executed two blank promissory notes and they were obtained by one Sri Bysani Manjunath. The said Manjunath is none other

than the brother of the plaintiff's husband. The plea of the petitioner in the written statement is that the said Bysani Manjunath, in collusion with the petitioner's husband, had foisted the case. The truth or otherwise of this allegation is required to be decided in the main suit. The suit is of the year 2011 and it is at the fag end of the trial. If really the petitioner had *bona fides*, he would have approached the Court below at the earliest point of time. In those circumstances, there being no infirmity in the order under Revision, this Court sees no reason to interfere with the same.

The Civil Revision Petition is therefore, dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

09th August 2017

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CHALLA KODANDA RAM, J

