

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.1235 OF 2017

ORDER:

The defendant is the petitioner in the present civil revision petition. The respondent herein filed O.S.No.139 of 2016 on the file of the Principal Junior Civil Judge, Chirala, seeking recovery of money on the basis of promissory note. The evidence of the plaintiff commenced and he produced witnesses from time to time. In spite of the same, the defendant did not cross-examine them. On the other hand, when the defendant filed an application being I.A.No.179 of 2017 seeking to send the suit promissory note to handwriting expert, the said application was dismissed by the trial Court on 13.02.2017 on the ground that the petitioner herein was not cooperating with the cross-examination of the witnesses produced by the plaintiff and no case is made out at that stage for sending the document to the handwriting expert. However, the trial Court gave liberty to the petitioner to file similar application at appropriate stage subject to discharge of preliminary burden of execution of suit promissory note by respondent/plaintiff.

In the circumstances, this Court sees no ground to interfere with the impugned order. The civil revision petition is dismissed at the admission stage. However, it is open to the petitioner to exercise liberty granted by the trial Court at appropriate stage.

The civil revision petition is accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

A.RAMALINGESWARA RAO, J

17.03.2017
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