

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.1535 OF 2017

ORDER:

This Civil Revision Petition is filed challenging the order dated 09.02.2017 in I.A.No.766 of 2016 in O.S.No.30 of 2013, passed by the learned Senior Civil Judge, Kavali, SPSR Nellore District.

The Petitioner is the defendant in O.S.No.30 of 2013 and he filed I.A.No.766 of 2016, under Section 45 of the Indian Evidence Act, seeking to send the suit promissory note to the Director of Andhra Pradesh Forensic Laboratory, Hyderabad for comparing the signature in the suit promissory note with the admitted signatures of the petitioner. It is the case of the petitioner that petitioner had denied the execution of the promissory note as rank forgery and as the vakalath, written statement and other papers signed by him are on record, the Court below ought to have acceded to allow the Interlocutory Application.

Considering the respective submissions and reported judgments of this Court and having found that the petitioner had not placed on record the contemporaneous and admitted signatures of the petitioner, the Court below dismissed the interlocutory application.

In the circumstances of the case and in the absence of petitioner placing on record the contemporaneous and admitted signatures i.e., admitted signatures within the proximal period from the date of promissory note, which is 04.03.2010, it cannot be said that the Court below had erred in dismissing the Interlocutory Application. However, considering the fact that the petitioner has denied the execution of the promissory note and as the sending of the suit promissory note for forensic laboratory

would aid in resolving the dispute in a more scientific way, if one more opportunity is given to the petitioner no prejudice would be caused.

In those circumstances, subject to the condition of petitioner submitting the undisputed and admitted signatures of contemporaneous nature, relating to the period 04.03.2010, learned Senior Civil Judge shall send the document for forensic laboratory. However, it is made clear that if the petitioner fails to submit the admitted and contemporaneous signatures within two weeks from the date of this order, the Court below is at liberty to dismiss the Interlocutory Application without any further argument. In the circumstances, the matter is remanded back to the learned Senior Civil Judge, Kavali, for taking necessary steps and for passing appropriate orders in accordance with law.

Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

CHALLA KODANDA RAM, J

Date:04.04.2017.

Note: Issue C.C. in two days.

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