

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.3642 of 2017

ORDER:

Heard the learned counsel for the petitioner.

2. This Revision Petition is filed assailing the order dt.12-07-2017 in O.S.No.54 of 2008 of the Principal Senior Civil Judge, Kovvur, closing application for relief under Section 45 of the Indian Evidence Act, 1872 on the ground that though time was granted for eight months since 13-12-2016, petitioner did not file any documents containing admitted signatures and that in the absence of contemporaneous admitted signatures, there cannot be any reference to expert of the disputed signature on the suit pronote.

3. Learned counsel for the petitioner contends that there is a title deed dt.15-04-1999 apart from Lok Adalat award dt.22-10-2005 in O.S.No.363 of 2007, a suit filed against the petitioner on the basis of a promissory note dt.18-12-2004, and petitioner be given an opportunity to produce such documents before the Court below within six weeks from the date of receipt of a copy of this order; and on filing of such documents containing his admitted signatures, the Court below be directed to consider the application under Section 45 of the Evidence Act, 1872.

4. Though notice has been served on the respondent, there is no representation on behalf of the respondent. Thus it appears that respondent does not wish to contest the CRP.

5. Therefore, the order dt.12-07-2017 in O.S.No.54 of 2008 on the file of Principal Senior Civil Judge, FAC, Additional Senior Civil Judge, Kovvur is set aside and the matter is remitted back to the Court below by restoring the application under Section 45 of the Evidence Act which is closed as per the order dt.12-07-2017. The petitioner is granted six weeks to produce documents containing his admitted signatures of contemporaneous nature including any of the documents mentioned above; and on production of the same, the said application shall be decided uninfluenced by the order dt.12-07-2017 in O.S.N.o.54 of 2008. If the said documents are not produced within the time aforesaid, the petition under Section 45 of the Evidence Act shall stand closed.

6. Accordingly, the Civil Revision Petition is disposed of.
No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-10-2017

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