

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.594 of 2017

ORDER:

Aggrieved by the dismissal of a second application under Section 45 of the Indian Evidence Act, the defendant in a suit for recovery of money, has come up with the present revision.

2. Heard Mr. Kowturu Pavan Kumar, learned counsel for the petitioner.

3. The suit is on a promissory note. The petitioner is the defendant. The petitioner filed I.A.No.45 of 2014 under Section 45 of the Indian Evidence Act, 1872, and it was allowed. The private handwriting expert, to whom the promissory note was referred, has already submitted his opinion on 07.05.2016.

4. Contending that the report of the lab was cryptic and that it did not answer the points on which the reference made by the Court, the petitioner made a second application under Section 45. But it was dismissed by the trial Court. Hence the present revision petition is filed.

5. It is not seen from the report of the private laboratolry that they are ready to send the expert, who examined the signatures, for giving oral evidence before the Court. Therefore, all objections of the petitioner as to the report could be raised by summoning the expert, who gave his report. Without doing the same, the second application cannot be entertained. Therefore, leaving it open to the petitioner to raise all objections by summoning the expert, the civil revision petition is dismissed.

6. As sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

10th February, 2017
Js.



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Date: 10-02-2017

Js.