

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION Nos.2616 AND 2627 OF 2011

Dated:03.11.2017

C.R.P.No.2616 of 2011

Between:

Somalanka Satyanarayana,
S/o.Subbarao, aged 34 years, Hindu,
Military Personal, R/o.Madhavaram,
Tadepalligudem Mandal, West Godavri
District

.. Petitioner

And

Smt. Posina Puttamani, W/o. Satyanarayana,
Hindu, Aged 52 years, Housewife,,
R/o. Madhavaram, Tadepalligudem
Mandal, West Godavari District

.. Respondent



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**CIVIL REVISION PETITION Nos.2616 AND 2627 OF 2011****COMMON ORDER:**

Heard.

2. Petitioner herein is the defendant in the respective suits. Both the suits are filed for recovery of money and the plaintiff placed reliance on promissory notes stated to have been executed by the defendant/petitioner herein. Defendant disputed the contention of the plaintiff with regard to the execution of promissory notes and alleged that the signatures contained on alleged promissory notes are forged. He therefore desired to send the promissory notes for comparison of the signatures. In support of the petition filed by the petitioner/defendant, he filed a photocopy of the Movement Order dated 09.10.2007, whereunder petitioner was transferred from Hyderabad to Tuisukai in the State of Assam, contending the signatures of the petitioner were made in Telugu. Since the document filed by the petitioner is photocopy, he sought for calling for original Movement Order. However, the prayer sought in the petition is to send the accompanied document for expert opinion along with the admitted signatures of the defendant. These petitions were considered under separate orders. The trial Court rejected the prayers on the ground that there is no mention in the copy of the order that signature in the Movement Order was obtained in the presence of Military officials and therefore the petitioner was directed to file a registered document,

if any, containing the signature of the petitioner in the relevant period. With the said observations, the petitions were closed.

3. It is thus seen that the trial Court rejected the claim of the petitioner to refer the signatures for expert opinion. The Court was not accepting the stand of the petitioner to rely on the signature in the Movement Order, as according to the trial Court, it was not authenticated. It is also seen from the record that no separate petition was filed praying to call for the original record from the Military authorities. Further no effort was made by the petitioner for obtaining the specimen signature in open Court and to send the same along with the disputed promissory note. Therefore, I do not see any error in the decision arrived at by the trial Court. At any rate, no reliance can be placed on the Movement Order of the year 2007 at this stage.

4. Leaving it open to the petitioner to place before the trial Court any other authenticated document/specimen signatures in support of his prayer to send for expert opinion, these Civil Revision Petitions are disposed of.

5. The suits are of the year 2008. Therefore, petitioners are granted three weeks time to place before the Court any other document containing the admitted signatures in support of the claim of the petitioner to send the document for expert opinion and if no such petition is filed within the time granted, it is not open to the petitioner to make any such request later and the trial Court shall proceed with the suits from the present stage.

There shall be no order as to costs.

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

P. NAVEEN RAO, J

Date:03.11.2017

Note:- Issue C.C. by 08.11.2017
(B/o)
KH

