

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.220 of 2017

ORDER:

Heard the learned counsel for the petitioner. None appears for the respondents.

2. This Revision Petition is filed assailing the order dt.03-12-2016 in I.A.No.782 of 2015 in O.S.No.235 of 2010.

3. Petitioner herein is the 2nd defendant in the suit. The 1st respondent filed the suit for recovery of money against the petitioner on the basis of promissory note dt.15-12-2007 jointly executed by the petitioner as well as 2nd respondent. The petitioner disputed his signature thereon.

4. At the instance of the petitioner, the suit promissory note Ex.A-1 was sent to a private expert i.e. Truth Labs, Hyderabad which compared the disputed and admitted signatures of the petitioner, and the latter opined that no definite opinion can be given regarding questioned signature.

5. Petitioner then filed I.A.No.782 of 2015 under Section 45 of the Evidence Act, 1872 to send it to the Government Forensic Laboratory called A.P. Forensic Science Laboratories, Red Hills, Hyderabad or to the Government Examiner of questioned documents, CFIS Compound, Ramanthapur, Hyderabad.

6. This application was dismissed on 03-12-2016 holding that the Truth Labs had already given its opinion; petitioner now wants his signatures available on record to be compared with the signatures on Ex.A-1; that it is possible to disguise the signature while putting the same in the suit summons, vakalat or Written Statement or if signatures are taken in open Court, and the petitioner did not file any document containing his signature at the time when Ex.A-1 was purported to have been signed by him.

7. Though the learned counsel for the petitioner sought to contend that this order cannot be sustained, I am of the opinion that the apprehensions expressed by the Court below are valid and since the Court any way has the power to compare the disputed signatures with the admitted signatures under Section 73 of the Evidence Act, 1972 at the time of delivery of judgment in the suit, I am not inclined to interfere with the impugned order passed by the Court below.

8. Accordingly, the Civil Revision Petition is dismissed.
No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 07-04-2017

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