

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.1370 of 2017

24.03.2017

Between:

Smt.Namala Rajeshwari

..Petitioner

and

Smt.Dasamanthula Appalanarasamma and another

..Respondents

Counsel for the petitioner: Mr.Jithender Rao Veeramalla

Counsel for the respondents: --

The Court made the following:



ORDER:

This civil revision petition arises out of order, dated 22.12.2016, in I.A.No.1111 of 2016 in O.S.No.964 of 2013 on the file of VI Additional Senior Civil Judge, Visakhapatnam.

2. I have heard Mr.Jithender Rao Veeramalla, learned counsel for the petitioner, and perused the record.

3. The petitioner filed the aforementioned suit for recovery of money from the respondents based on a promissory note. The respondents filed a written statement denying execution of the promissory note. They have filed the aforementioned I.A. under Section 45 of the Indian Evidence Act, 1872, seeking to send the promissory note to the handwriting expert. The only objection raised by the petitioner in the said I.A. was that only handwriting/signatures of the contemporaneous period could be sent for comparison purpose and that in the absence of such contemporaneous handwriting/signatures, the request of the respondents cannot be accepted. The lower Court, however, rejected this plea on the ground that Ex.A-1 suit promissory note not only contains the signatures but also the thumb impressions said to have been affixed by the defendants and that therefore, the judgment in M.Satyanarayana vs. Smt.P.Indira Devi<sup>1</sup> on which reliance has been placed by the petitioner, has no application for the thumb impressions.

4. At the hearing, the learned counsel for the petitioner could not dispute the fact that the ratio in M.Satyanarayana (supra) is confined only to the handwriting/signatures and not to the thumb impressions. Since the lower Court has directed sending of only thumb impressions of

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<sup>1</sup> 2011 (1) ALT 646

the respondents to the handwriting expert, the objection of the petitioner is not sustainable and the lower Court has rightly dismissed the aforementioned I.A.

5. For the aforementioned reasons, I do not find any jurisdictional error in the order of the lower Court.

6. The Civil Revision Petition is, accordingly, dismissed.

7. As a sequel to dismissal of the C.R.P., C.R.P.M.P.No.1816 of 2017 filed by the petitioner for interim relief shall stand dismissed as infructuous.

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C.V.NAGARJUNA REDDY, J

24<sup>th</sup> March, 2017  
GHN

