

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

CIVIL REVISION PETITION No.5867 of 2017

DATED:03-11-2017

Between:

Gariki Srinivasa Mualidhar ... Petitioner

And

Simhadri Venkata Satti Lingam ... Respondent

COUNSEL FOR THE PETITIONER: Mr. P. Nagendra Reddy

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

The defendant in O.S. No.291 of 2007 on the file of the VI Additional District Judge, Visakhapatnam, filed this revision petition feeling aggrieved by order dt.23.07.2015 in I.A. No.1377 of 2008 whereby he has dismissed the said application filed for sending the suit promissory note dt.8.12.2006 for opinion of a handwriting expert.

A perusal of the order of the lower Court would show that the aforesaid application was dismissed on two grounds, namely, that the petitioner has not suggested any document of contemporaneous period to that of the suit promissory note for comparison and that the expert's opinion being only an opinion evidence, the Court itself can compare the signatures between the admitted documents and the disputed documents.

After hearing Mr. P. Nagendra Reddy, learned counsel for the petitioner, and considering the reasons assigned by the lower Court, I am of the opinion that the application filed by the petitioner is very vague, in that, he has not indicated as to the documents with which the suit promissory note has to be compared. Therefore, the petitioner is not entitled to the relief claimed in such a vague application. At any rate, under Section 73 of the Indian Evidence Act, 1872, the Court below is vested

with the power to compare the signatures and adjudicate the genuineness or otherwise of the documents.

Subject to the above observations, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.7579 of 2017 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

03-11-2017

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