

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.7282 of 2017

ORDER:

Heard learned counsel for the revision petitioner and respondent/party-in-person, perused the grounds of the revision and impugned order of the lower Court.

2. Undisputedly, as per the order in I.A.No.545 of 2015, the defendant to the suit pronote, in the suit for recovery of money maintained by the plaintiff covered by Ex.A.1, in dispute of the same sought for sending the same to the handwriting expert for comparison with available admitted signatures of the defendant, if any, and the Court sent Ex.A.1 along with copies of the documents containing the signature of the defendant to the handwriting expert, who returned way back in April 2016, saying **unless** the originals of the comparative document signatures available from copies, it is not possible to form an opinion and submit an opinion to the Court. Undisputedly, as rightly pointed out by the lower Court in its order in I.A.No.1625 of 2017, dated 06.11.2017, which is the subject matter of the impugment in the present revision, no steps taken till 25.10.2017 in filing the application for more than 1 ½ years if at all as to what are the available admitted signatures of the defendant, for the Court to send to compare if not secured the original signatures. Even the application filed in I.A.No.1625 of 2017, on 25.10.2017, by the defendant with the prayer to direct the plaintiff to file original documents as required by the Forensic Laboratory for comparison.

He cannot compel the plaintiff to produce a document not in the custody of the plaintiff even invoking Order XI Rule 14 C.P.C. If at all it is for the defendant to ask the Court to secure the original documents available, for which already the public authority issued the copies under Right to Information earlier submitted. The other prayer is in the alternative to take the admitted signatures of the defendant in the open Court. The pronote is dated 22.06.2009. The specimen signature in open Court now sought to be taken in the fag end of 2017, after lapse of 8 to 9 years, and the cotemporary relevancy signatures, if at all those already copies of which filed by obtained under Right to Information when required, proper remedy of the defendant is to ask to send for those original or any other original in any registered document of cotemporary relevancy before or after to the date of the said pronote. Thereby, there is nothing to interfere with the impugned order of the lower Court, but for giving liberty to the petitioner/defendant, within one week from today, to file an application to produce if at all available with him any registered document originals of the cotemporary relevancy signature or any bank account and other if at all obtained by him in the relevant period prior or after the date of signature impugned Ex.A.1 pronote or in the alternative, to ask the Court to summon for the originals of the copies already submitted before the Court under Right to Information, from which the expert stated not possible to compare without the originals.

3. With these observations, the civil revision petition is disposed of.

4. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

28th December 2017.

Note:

Issue C.C. by tomorrow.

(b/o)

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