

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

CIVIL REVISION PETITION NO.157 OF 2018

DATED:20-04-2018

Between:

Alla Satyavathi
and another

... Petitioners

And

Simanapalli Devi Srikanth

... Respondent

COUNSEL FOR THE PETITIONER: Mrs. T.V. Sridevi

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition is filed against order dt.02.11.2017 in I.A. No.1122 of 2017 in O.S. No.33 of 2015 on the file of the X Additional District and Sessions Judge, Visakhapatnam, at Anakapalle.

I have heard Mrs. T.V. Sridevi, learned counsel for the petitioners, and perused the record.

The respondent filed the aforementioned suit for recovery of money based on a promissory note dt.02.04.2012. The petitioners filed a written statement wherein they termed the promissory note as a forged one. However, they have participated in the trial without filing an application under Section 45 of the Indian Evidence Act, 1872 (for short, “the Act”), for sending the suit promissory note for expert opinion. After P.Ws.1 to 3 were cross-examined, the petitioners have filed the aforementioned I.A. under Section 45 of the Act with the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioners/defendants prays that this Honourable court may kindly be pleased to call for the opinion of an handwriting expert at the office of the Director, A.P. Forensic Laboratories, Red Hills, Hyderabad, in order to compare the standard signatures of 1 and 2 defendants taken in this Honourable Court with the alleged signatures of the 1st defendant and 2nd defendant on the suit promissory note dated 02.04.2012, and to submit his report. Otherwise the petitioners will be put to much hardship and loss.”

In the affidavit filed in support of the I.A. petitioner No.2 stated that he is ready to furnish any other material, such as, document having his contemporaneous signatures, if required by the handwriting expert. On the contrary, the prayer in the I.A. was that the petitioners wanted to subscribe their signatures in the Court and treat them as standard signatures.

The law is well-settled that signatures on a disputed document cannot be compared with the signatures obtained from the parties during the pendency of the legal proceedings, as there is every likelihood of the parties distorting the signatures to defeat the interests of the adversary party. As the petitioners were not diligent in moving an application at appropriate time, apart from not being ready with the standard signatures of the contemporaneous period, they are not entitled to send the document for an expert opinion.

Therefore, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.1 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

20-04-2018

bnr

