

HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No. 247 of 2018

ORDER:

The present application came to be filed under Article 227 of the Constitution of India assailing the order in I.A.No. 2291 of 2017 in O.S.No. 136 of 2012, dated 06.12.2017 on the file of the Senior Civil Judge, Pithapuram, wherein an application filed under Section 45 of the Indian Evidence Act to send the signatures of the petitioner on the back side of the pronote for comparison with the admitted signatures to the finger print expert, was dismissed on the ground that as more than nine years and six years have elapsed from the date of part payments, there is every possibility of changing the pattern of signatures, and as the contemporaneous signatures of the petitioner are not filed, no purpose would be served even if the disputed signatures were sent to the expert.

2. In the course of arguments, Mr. Ramanna Dora, the learned counsel for the petitioner, would contend that the petitioner is willing to furnish the contemporaneous signatures of the petitioner and hence, opportunity may be given to the petitioner to file a fresh application with the contemporaneous signatures, since the entire case revolves around the signatures which are on the back side of the pronote.

3. Having regard to the above, the petitioner is at liberty to file a fresh application before the trial court along with the

contemporaneous signatures of the period during which the signatures were made on the back side of the pronote, in which event, the trial court, uninfluenced by its earlier order dated 06.12.2017, shall deal with the same in accordance with law, after hearing all concerned.

4. Accordingly, the C.R.P is ordered. Miscellaneous petitions pending, if any, stand closed.

02.02.2018
Issue cc in three days
DMG



JUSTICE C. PRAVEEN KUMAR