

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.954 of 2018

Order:

Aggrieved by the dismissal of an application under Section 45 of the Indian Evidence Act, 1872, the defendant in a suit for recovery of money on a promissory note has come up with the above civil revision petition.

2. Heard Mr. Suresh Kumar Potturi, learned counsel for the petitioner.

3. As rightly observed by the Court below, the Court should first satisfy itself on a plain examination of the admitted and disputed signatures under Section 73. It is only thereafter that the question of sending the promissory note for examination to the handwriting expert will arise. The Court below has merely stated the correct position in law and also was very conscious in saying that it is not proper to refer the document to the expert "at this stage". The very object of Section 73 is what is sought to be achieved by the impugned order. Hence, the civil revision petition is dismissed. However, it is made clear that after examination of the promissory note under Section 73, the Court can always take a call. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

16th February, 2018.
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