

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.1358 of 2018

ORDER:

Aggrieved by the dismissal of an application under Section 45 of the Indian Evidence Act, 1872, to send the suit promissory note for examination by the handwriting expert, the defendant in the suit has come up with the above revision.

2. Heard Mr. Balantha Devadass, learned counsel for the petitioner.

3. The petitioner is the sole defendant in a suit for recovery of money on a promissory note. After the plaintiff examined three witnesses on her side and after the petitioner examined two witnesses on her side, the petitioner/defendant took out two applications, one in I.A.No.955 of 2017 and another in I.A.No.973 of 2017, respectively for summoning certain documents from the Syndicate Bank and for sending those documents along with the suit promissory note to the handwriting expert for comparison and opinion. Both these applications were dismissed by the appellate Court by a common order dated 05.02.2018. Aggrieved by the said common order passed in two applications, the petitioner has come up with one single revision petition.

4. At the outset it should be pointed out that the petitioner has not come up with a revision as against the dismissal of I.A.No.955 of 2017. This application is for summoning certain records to be sent for forensic examination. Once the order in I.A.No.955 of 2017 has attained finality, the scope for interference with the order in the other application under Section 45 is nil. Therefore this application deserves to be dismissed.

5. Moreover, the examination of witnesses on both sides is completed. The present application under Section 45 is only an after

thought. The trial Court is right in dismissing the application. Hence the Civil Revision Petition is dismissed. There shall be no order as to costs.

6. As sequel, miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

9th March, 2018
Js.



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