

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1583 of 2018

ORDER:

This Revision is filed challenging the order dt.20-01-2018 in I.A.No.676 of 2017 in O.S.No.111 of 2014 of the Principal Senior Civil Judge, Tirupati.

2. The petitioner is defendant in the said suit filed by respondent against him for recovery of money on the basis of promissory note.

3. The petitioner filed written statement taking the plea that the suit promissory note is forgery.

4. After plaintiff's evidence was closed, during the course of evidence of defendant, the petitioner filed an application to send the promissory note to handwriting expert to find out if there is any material alteration.

5. This application was opposed by respondent stating that there was no defence of material alteration at all raised in the written statement by petitioner and therefore the petition should be dismissed.

6. By order dt.20-01-2018, the Court below rejected the said application with costs stating that there is no plea of material alteration in the suit promissory note and therefore the relief sought by petitioner cannot be granted.

7. Challenging the same, this Revision is filed.

8. Though learned counsel for petitioner sought to contend that the Court below ought to have allowed the application for sending the suit promissory note to a handwriting expert to detect the aspect of forgery and get the signature of the petitioner on the promissory note compared with the admitted signatures of the petitioner, when there is no such prayer in the application filed by petitioner in the Court below and when totally different prayer of material alteration, which is not even pleaded in the written statement, is made, I see no reason to interfere with the order passed by the Court below.

9. Therefore, this Revision fails and it is accordingly dismissed at the stage of admission. No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 06-04-2018
Vsv