

-vTHE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.Nos.1724 & 1871 of 2018

COMMON ORDER:

These two revision petitions arise out of two orders passed by the trial Court dismissing an application under Section 45 of the Indian Evidence Act, 1872 and an application under Order 16 Rule 6 CPC.

2. Heard Mr. S.R. Sanku, learned counsel for the petitioner.

3. The suit was filed for recovery of money. The suit was based upon a promissory note. The case of the petitioner is that she never borrowed any money from the respondent and that she never executed any promissory note. According to the petitioner, the suit promissory note was fabricated by one Kasibhotla Nagabhushanam, who was the first husband of the petitioner. Therefore, the petitioner took out two applications, one for sending the suit promissory note for examination by a handwriting expert and another for summoning a senior executive of a company from Mumbai for producing the original application filed by the petitioner for taking an insurance policy. Both these applications were dismissed by a cryptic order by the trial Court forcing the petitioner to come up with the above revisions.

4. As rightly pointed out by the trial Court, the defence of the petitioner is one of total denial. The petitioner has taken a defence that she never borrowed any money. Therefore, the burden is heavily cast upon the plaintiff to prove the execution of the promissory note, the signature of the defendant and the passing of consideration. In such circumstances, the trial Court should first apply Section 73 and only if the trial Court feels that the expert opinion may be of any assistance, the trial Court can refer the document for examination.

5. In any case, the petitioner seems to be working as a teacher in a Zilla Parishad High School in Krishna District. I do not know why she wants an application for a Life Insurance Policy submitted by her to ICICI Prudential Life Insurance now available in Bombay, to be summoned all the way so that it can be sent along with the suit promissory note for examination by the handwriting expert. Such a detour is not permissible. Therefore, I do not see any merit in the revision petitions. Hence the civil revision petitions are dismissed. However, the trial Court shall apply Section 73 and thereafter take a decision. 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

23rd March, 2018
Js.



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