

THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION No. 3040 of 2018

ORDER:

This civil revision petition is arising out of the order dated 13.04.2018 in I.A.No.109 of 2018 in O.S.No.49 of 2011 on the file of Principal Senior Civil Judge, at Kothagudem.

2. Heard the arguments of learned counsel for the petitioner at the stage of admission.

3. I.A.No.109 of 2018 was filed by the defendant in the suit seeking to send Ex.A1 Promissory Note dated 23.02.2008 along with the signature of the defendant on the written statement and vakalat to the handwriting expert for comparison and report. The said I.A. was dismissed on the ground that the I.A was filed by the defendant six years after the date of filing of written statement, and the trial is already completed and the suit is at the stage of arguments.

4. In the present civil revision petition, notice has been ordered to the respondent-plaintiff, but the notice returned unserved. However, the learned counsel for the petitioner pressed for granting interim orders before service of notice to the respondent. Therefore, this Court is constrained to go into the merits of the petition at the stage of admission.

5. On consideration of the facts of the case, the order passed by the trial Court clearly reveals that the defendant had filed the I.A.No.109 of

2018 after six years from the date of filing his written statement, seeking to send the documents to the handwriting expert, and the defendant has not given any reasons as to why he kept quiet all the six years. Moreover, the trial has been completed and the suit is at the stage of arguments. Therefore, there are no justifiable grounds to consider this petition at this stage.

6. Hence, the civil revision petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

20th September, 2018

KSM

GUDISEVA SHYAM PRASAD, J



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