

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3067 OF 2018

DATED:08-06-2018

Between:

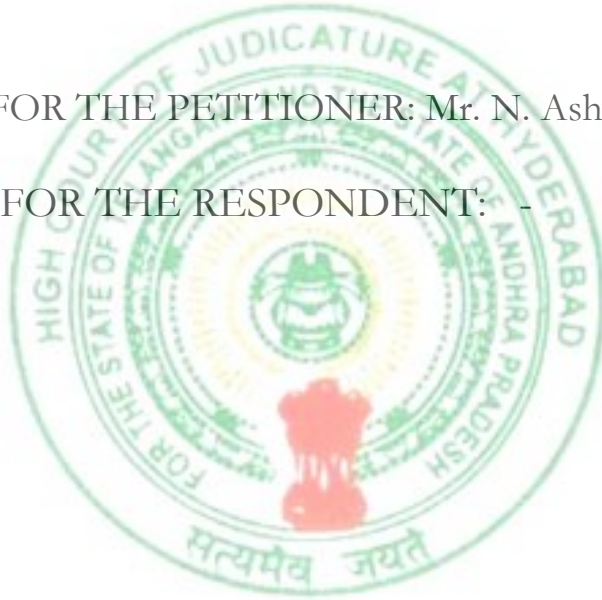
Patchava Radha Krishna ... Petitioner

And

Patchava Venkata Narayana ... Respondent

COUNSEL FOR THE PETITIONER: Mr. N. Ashwini Kumar

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

Feeling aggrieved by order dt.09.04.2018 in I.A. No.709 of 2018 in O.S. No.559 of 2012 on the file of the Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Visakhapatnam, whereby he has dismissed the said I.A. filed for sending the suit promissory note to handwriting expert, the unsuccessful applicant/defendant filed this revision petition.

After hearing Mr. N. Ashwini Kumar, learned counsel for the petitioner, and perusing the record, I do not find any reason to interfere with the said order, for, the petitioner, having filed the written statement as far back as June 2013, waited for nearly six years and filed the aforementioned application at his leisure, after the evidence on the side of the plaintiff was closed. The petitioner failed to explain any reason whatsoever for such long and inordinate delay. Considering the fact that the Courts are reeling under huge pendency, the laid back approach of the parties, such as the petitioner, is contributing to further delays in disposal of the cases. If the petitioner had bona fide felt that the suit promissory note was required to be sent to an expert for his opinion, he would not have wasted any time, after filing the written statement, in filing an application. The petitioner is therefore liable to be non-suited only on the ground of the

unexplained delay in filing the application, which, if allowed, would further prolong the suit, which is of the year 2012.

There is yet another reason for this Court's disinclination to interfere with the order of the lower Court. Though under Section 45 of the Indian Evidence Act, 1872 an expert's opinion is a relevant fact, under Section 73 thereof the Court itself has the power to compare the signature, writing or seal with others, which are admitted or proved. In the light of the availability of this power in the lower Court, the petitioner would not suffer any injustice even if the suit promissory note is not sent for expert's opinion at this stage. The petitioner is entitled to request the Court to compare the signatures on the suit promissory note with his admitted signatures.

For the aforementioned reasons, I do not find any merit in this civil revision petition and the same is accordingly dismissed, subject to the observations made hereinbefore.

As a sequel to dismissal of the civil revision petition, I.A. No.1 of 2018 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

08-06-2018

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