

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.3441 of 2018

Order:

Aggrieved by the dismissal of an application under Order XVI, Rule 1 CPC to issue witness summons to the Branch Manager, Syndicate Bank, to produce documents such as cheques, cash deposit vouchers, specimen signatures etc., of one Mr. M.Amara Singh Nayak, the defendants in a suit for recovery of money have come up with the above revision.

2. Heard Mr. K.R. Sasidharan Nair, learned counsel for the petitioners. The suit O.S.No.358 of 2012 was filed by the respondent for recovery of money based upon a promissory note dated 12-7-2011. After filing the written statement, the petitioners filed I.A.No.281 of 2014 for sending the suit promissory note for examination by the handwriting expert. The application was allowed.

3. Thereafter, the petitioners filed another application in I.A.No.991 of 2015 for summoning certain documents from the Railway Authorities so that the signatures in those documents could be compared with the promissory note. But the said application was dismissed by the Trial Court and the said order was also confirmed by me in C.R.P.No.967 of 2017 by an order dated 28-02-2017.

4. Contending that the Forensic Department has now returned the promissory note sent for analysis on the ground

that some official documents are required for comparison, the petitioners moved I.A.No.148 of 2018 for summoning the Branch Manager of Syndicate Bank. That application was dismissed by the Trial Court forcing the petitioners/defendants to come up with the above revision.

5. The contention of the learned counsel for the petitioners is that the Forensic Science Laboratory has returned the promissory note and other documents on the ground that they are not sufficient and that therefore this application was necessitated. But I do not know how far the case of the petitioners could be improved. The documents sent to the Central Forensic Sciences Laboratory along with the promissory note, were the records summoned from the Grameena Bank. If they are returned by the Laboratory, the petitioners may have to question the wisdom of the Laboratory, but cannot make repeated applications. Therefore, the dismissal of the application is justified. The civil revision petition is dismissed. The interlocutory applications, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

22nd June, 2018.
Ak

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.3441 of 2018



22nd June, 2018.
(Ak)