

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

CIVIL REVISION PETITION NO.3905 OF 2018

DATED:20-07-2018

Between:

Kolli Demudamma ... Petitioner

And

Kodidasu Siva Shankara Rao ... Respondent

COUNSEL FOR THE PETITIONER: Mr. Mangena Sree Rama Rao

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

The request of the petitioner, who is the defendant in O.S. No.299 of 2015, for sending her signatures in the suit promissory note purportedly executed by her for the opinion of a handwriting expert, under Section 45 of the Indian Evidence Act, 1872 (for short, “the Act”), having been rejected by order dt.24.04.2018 in I.A. No.590 of 2017 in O.S. No.299 of 2015 on the file of the VII Additional District Judge (Fast Tract Court), Visakhapatnam, she has filed this civil revision petition.

The lower Court has dismissed the said I.A. based on the ratio laid down in **K.S. Satyanarayana v. Narayana Rao**¹ to the effect that when in a suit filed for recovery of amount the defendant denies his signatures even in the written statement and the vakalatnama, that itself is a sufficient ground to disbelieve the version of the defendant. Admittedly the petitioner has denied her signatures in her written statement and Vakalatnama in this case also. It thus appears that the petitioner is in the habit of denying every signature of her own. Hence, the lower Court is justified in dismissing the I.A. filed by her for sending her signatures in the suit promissory note to a handwriting expert. Hence, I do not find any reason to

¹ AIR 1999 SC 2544

interfere with the order of the lower Court. However, the lower Court shall exercise its power under Section 73 of the Act to compare the admitted signatures of the petitioner with the disputed signatures in the suit promissory note while disposing of the suit.

Subject to the above observation, the civil revision petition is dismissed.

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

20-07-2018

bnr

C.V. NAGARJUNA REDDY, J

