

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.4178 OF 2018

ORDER:

This civil revision petition is filed by the petitioner/defendant aggrieved by the order dated 18.06.2018 in I.A.No.123 of 2018 in O.S.No.122 of 2016 passed by learned Junior Civil Judge, Nidamanoor, Nalgonda District, dismissing the petition filed by the petitioner under Section 45 of Indian Evidence Act r/w Section 151 C.P.C. praying the Court to send the suit promissory note, dated 12.08.2014, along with C-Book, Employee Identity Card and PAN Card of the petitioner/defendant which are said to be containing his signatures, to a hand writing expert for comparison of the signatures on those documents and the promissory note. The trial court though observed that since inception the plea of the defendant was that suit promissory note was a forged one, however, dismissed the petition on the observation that the documents which he produced i.e., the C-Book pertaining to his Car, Employee Identity Card and PAN Card only contain the scanned signatures of the petitioner/defendant which do not admit comparison by the expert. On this main observation, the trial court dismissed the petition.

2. Heard.

3. When the matter come up for hearing, learned counsel for petitioner would submit that since the main ground for dismissal of the I.A. was due to non-submission of the authenticated documents containing the natural signatures of the petitioner, if an opportunity is accorded, the petitioner will produce the authenticated documents containing his signatures of the relevant period for sending to the expert for comparison and therefore, the C.R.P. may be allowed.

4. Learned counsel for respondent would submit that she has no objection for allowing the petition provided an opportunity is given before trial court to express his objections regarding the documents which the petitioner is going to submit before the trial court after allowing the C.R.P. The said submission is taken note.

5. In the result, the civil revision petition is allowed and the impugned order in I.A.No.123 of 2018 in O.S.No.122 of 2016 is set aside and the petitioner/defendant is directed to produce the authenticated documents containing the natural signatures of (other than the electronic signatures, scanned signatures or signatures on photocopies) the defendant during the relevant period of the suit promissory note before the trial court within two weeks from the date of this order and the trial court upon hearing the objections, if any, of the respondent/plaintiff shall refer those documents along with

the suit promissory note to a hand writing expert to invite his opinion.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

U.DURGA PRASAD RAO, J

14.09.2018

Note: issue C.C. by Monday.
B/o.SS

