

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.4114 of 2018

ORDER:

Aggrieved by the direction issued by the trial Court to produce admitted signatures, for comparing them with the signatures in the suit promissory note, the defendant, who succeeded in securing an order under Section 45 of the Indian Evidence Act, 1872, has come up with the above revision.

2. Heard Mr. P.S.P. Suresh Kumar, learned counsel for the revision petitioner.

3. The suit was for recovery of money due on a promissory note. The petitioner/defendant denied the execution of the promissory note and contended that the signature in the promissory note was forged.

4. Therefore, the petitioner/defendant took out an application under Section 45 of the Indian Evidence Act, 1872, which was allowed by the trial Court, imposing a condition that the petitioner should produce admitted signatures in contemporaneous documents. The order of the trial Court reads as follows:

“1. The petitioner/defendant is directed to submit admitted signatures and petitioner is further directed to admitted signatures in the year 2015 such as his signatures containing bank pass books and signatures containing any other documents, if any (authorised documents) etc.,

2. The petitioner is directed to deposit an amount of Rs.6000/- towards expert fee on or before 26.6.2018.

3. In addition that the petitioner is directed to appear before the court on 2.7.2018 for obtaining his admitted signatures and writing in open court.

4. Soon after receiving of admitted signatures and writings as referred to above the office is directed to submit those papers along with disputed documents to APFSL, Hyderabad for expert opinion.”

5. The petitioner is happy that his request for referring the suit promissory note to a Handwriting Expert is allowed, but he is unhappy that he has been called upon to produce the contemporaneous document. This can never be taken an exception to. Hence, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 20-07-2018

Ksn

