

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.4207 of 2018

ORDER:

This civil revision petition, under Article 227 of the Constitution of India, is filed by the unsuccessful respondent – defendant assailing the order, dated 27.04.2018, of the learned Junior Civil Judge, Podili, passed in IA.No.84 of 2018 in OS.No.38 of 2015.

I have heard the submissions of the learned counsel appearing for the revision petitioner – plaintiff at the stage of admission. As this Court is inclined to dispose of the revision at the stage of admission, no notice is ordered to the respondent – plaintiff.

I have perused the material record.

From the pleadings and submissions made, the following facts are noticeable: - ‘The plaintiff brought the suit for recovery of money on the foot of a promissory note. The defendant is resisting the suit. After the trial is concluded, the defendant filed IA.No.1002 of 2016 to send the disputed signature said to be of the defendant on the part payment endorsement, exhibit A3, to an expert of Forensic Science Laboratory, Hyderabad. The said request was considered. The report of the expert was received. The said report reflects that the disputed signature said to be of the defendant on exhibit A3 – part payment endorsement is not tallying with his standard signatures. In view of the said subsequent event, the plaintiff filed the subject Interlocutory Application to reopen the evidence to enable the plaintiff to examine the scribe of the said part payment endorsement, exhibit A3, as one of the witnesses. The said Application was resisted by the defendant, *inter alia*, contending that the plaintiff cannot be permitted to reopen the evidence, after the evidence of both

the sides is let in, to fill up the lacunae and that if the plaintiff is permitted to examine the scribe, after the completion of the evidence of the defendant prejudice would be caused. However, by the impugned order, the trial Court allowed the Application and reopened the evidence as desired by the plaintiff. Aggrieved thereof, the defendant is before this Court.'

I have given earnest consideration to the facts & submissions and the events narrated above. In the considered view of this Court, in view of the fact that at the behest of the defendant an opinion of the expert was obtained and it reflected that the signature on the part payment endorsement, exhibit A3, said to be of the defendant is not tallying with his standard signatures, the plaintiff was obliged to file the Application to reopen the evidence for examining the scribe of the said part payment endorsement. Further, the evidence of a hand writing expert regarding a signature is only an opinion evidence and his such opinion is to be examined along with the other evidence that the parties bring on record during the course of trial for arriving at a just decision on the issues settled for trial in the suit. In that view of the matter, the trial Court is justified in affording an opportunity to the plaintiff to have the evidence reopened for the purpose of examining the scribe concerned.

Viewed thus, this Court finds that there is no merit in the revision and the revision petition is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

03.08.2018
Vjl