

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

**Civil Revision Petition No.4971 of 2018**

**ORDER:**

Heard the learned counsel for revision petitioner-defendant No.1 and the revision respondent-plaintiff and perused the impugned order in I.A.No.701 of 2017, in the pending suit O.S.No.102 of 2016 on the file of the learned Principal District Judge, Nellore, dated 10.08.2018 and the grounds of revision and other material on record.

2. The suit is based on the pronotes for recovery of principal amount of Rs.12,50,000/- with interest and other sums. Defendant No.1 filed written statement, whereas defendant No.2 did not choose to contest. One of the contest of defendant No.1 in the written statement, particularly at paragraph No.4 out of two pages is that the plaintiff came to the house of defendant No.2 with an evil motive in March, 2016 to borrow an amount of Rs.1.00 lakh stating that he is in severe financial troubles and asked to help in adjusting the amount and as per the wish the disputes will be settled. As these defendants do not have any amount, with good intention to help the plaintiff as the plaintiff is their close relative they given the suit house title deed and told the plaintiff to mortgage the documents before any one for the amount asked by the plaintiff to secure. It is further averred keeping in mind the said disputes the plaintiff forged the signatures of the defendants on the alleged promissory notes mentioned above and alleged Memorandum of acknowledgment dated 09.04.2016.

3. The sum and substance of the defence from the written statement is the so-called signatures on the suit pronotes and the so-called memorandum of deposit of title deed if any are forged and fabricated and there is no any defence taken of the revenue stamps affixed to the pronotes is with antedate or subsequent one or on any signed papers by affixing subsequently the stamped document created. Whereas surprisingly at the arguments stage the application filed before the lower Court under Section 45 of the Indian Evidence Act to send the suit pronotes marked as exhibits A1 & A2 to the Government Printing Press, Nasik to give their opinion whether the revenue stamps affixed on exhibits A1 & A2 promissory notes are of the year 2013 or of the year 2016 or of any other year and to send their report. It is opposed by the plaintiff by filing counter. The lower Court rightly in the detailed order observed, particularly at paragraph No.6, of not even a defence of the stamps affixed are with antedate but for the whole contest in the written statement from the issues formulated is of the signatures are allegedly forged and not even sought for sending the signatures disputed if any to the Expert. Once such is the case, for this Court within the limited scope there is nothing to sit against the impugned reasoned order.

4. Hence, this Civil Revision Petition is dismissed without prejudice to the contest of both parties before the trial Court. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

20.09.2018  
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