

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 5062 of 2018

ORDER:

Aggrieved by order, dated 26.06.2018 passed by the learned Senior Civil Judge, Allagadda, Kurnool District, allowing I.A.No.160 of 2017 in O.S.No.84 of 2015, filed by the respondent/defendant under Section 45 of the Indian Evidence Act for sending the suit promissory note, dated 19.09.2011, along with registered sale deed, dated 20.09.2011, to the Government Forensic Laboratory, Hyderabad, for comparison and report, the petitioner/plaintiff filed the present Civil Revision Petition.

Learned counsel for the petitioner contends that the respondent/defendant had changed his religion, address and signatures and executed a registered sale deed, dated 20.09.2011, which is a self-serving document; that now, the suit is at the stage of recording the defendant's evidence; that the respondent filed the aforesaid I.A. only to drag on the matter and that the Court below erred in allowing the same.

A copy of the written statement filed by the respondent in the aforesaid suit is enclosed to the present Civil Revision Petition. This Court perused the said written statement, in which, the respondent had pleaded that the suit pro-note is a rank

forgery; that on account of his change of religion, his family members colluded and forged his signatures and created the suit promissory note and that the attestors and the petitioner belong to one group. It is to be noted that the suit promissory note is dated 19.09.2011 and the registered sale deed executed by the respondent is dated 20.09.2011, which is only one day after the suit promissory note. It is also to be noted that when the respondent had taken a plea of forgery of the alleged document, as it is not possible for the Court, except in exceptional cases, to compare the signatures and come to the conclusion, it is appropriate to send such document to the expert for comparison and opinion, which would be the best piece of evidence to determine the validity of such plea. In the circumstances and considering the fact that the suit is of the year 2015, the impugned order cannot be found fault with as there being no error in it.

Accordingly, this Civil Revision Petition is dismissed.

Miscellaneous Petitions, if any pending, shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

31st OCTOBER, 2018.

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