

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.5194 and 5405 of 2018

COMMON ORDER:

Aggrieved by the dismissal of two applications, one for reopening of the evidence on the side of the defendants and another under Section 45 of the Indian Evidence Act, 1872, the 2nd defendant in the suit has come up with the above revisions.

2. Heard Mr. Challa Ajay Kumar, learned counsel for the revision petitioner.

3. The suit is for recovery of money, on the basis of a promissory note. The 2nd defendant, who is the revision petitioner herein, filed two applications, after the closure of the evidence on both sides. One of those applications was for reopening the evidence on the side of the defendants and the other for sending the promissory note for examination by a Handwriting Expert. Both these applications were dismissed by the trial Court on two grounds. The first ground is that the signatures of the defendants found in the vakalat, written statement and the summons, cannot be taken to be admitted signatures, for the purpose of sending them along with the promissory note for expert opinion. The second ground on which the applications were dismissed was that there was no suggestion to PWs.1 and 2 that the promissory note was forged or fabricated.

4. I find that both the grounds, on which the trial court dismissed the applications, are well founded. The signatures of the defendants in the vakalat and the written statement are not admitted signatures, so as to have them compared with the signatures in the

promissory note. In any case, the 2nd defendant cannot wake up to his right after the conclusion of the trial. Even the evidence on the defendants' side is over. It appears that there was no suggestion to PWs.1 and 2 on the question of forgery. Therefore, the trial Court was right in dismissing both the applications. I find no reasons to interfere with the same.

Accordingly, the Civil Revision Petitions are dismissed. There shall be no order as to costs.

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

V. RAMASUBRAMANIAN, J

Date: 20-09-2018

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