

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.6853, 6855 and 6875 of 2018

COMMON ORDER:

Aggrieved by the dismissal of three applications, one for reopening the evidence, another for summoning the Branch Manager for production of certain documents and the third for referring the suit promissory note to a Forensic Expert for examination, the defendant in a suit for recovery of money has come up with the above revisions.

2. Heard Mr. T.S. Rayalu, learned counsel for the revision petitioner.

3. The suit is based upon a promissory note. The defence set up by the petitioner is one of total denial. She has denied the execution of the promissory note, the borrowal and every other averment contained in the plaint. But, strangely, nothing is stated in the written statement as to why the plaintiff should fabricate the promissory note and drag the petitioner to court.

4. Be that as it may, the petitioner earlier filed an application in I.A.No.688 of 2018 for summoning the Branch Manager for production of documents. It was dismissed by the trial Court on the ground that when there is no application for referring the suit promissory note for expert opinion, an application for summoning the Manager to produce the documents will be of no avail.

5. Taking the clue from the said order, the petitioner filed three applications out of which the above revisions arise. The prayer in

one of these applications is under Section 45 of the Indian Evidence Act, 1872.

6. At the outset, the petitioner should establish what was the motive for the plaintiff to choose the petitioner, from among the other residents of the village. In any case, the petitioner is always entitled to lead evidence on his behalf through his own documents of contemporaneous time, and invite the court to the provisions of Section 73 of the Evidence Act. This is not a fit case for referring the suit promissory note to the Handwriting Expert at this stage. Therefore, leaving it open to the petitioner to file his own documents containing the signatures and inviting the court to analyze the signature under Section 73 of the Evidence Act, 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: 23-11-2018

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