

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.6407 OF 2017

ORDER :

This Revision is filed assailing the order dt.10.07.2017 in I.A.No.714 of 2017 in O.S.No.641 of 2016 on the file of Principal Junior Civil Judge, Tirupathi.

2. The petitioner is defendant in the suit.
3. The suit was filed for recovery of money by the respondent on the basis of a promissory note dt.15.07.2014 for a sum of Rs.1,35,000/-.
4. The petitioner / defendant however took a stand in the written statement that he did not borrow the sum alleged. He contended that there was chit transaction between the parties, that he became successful bidder and was made to execute a promissory note for a sum of Rs.35,000/- mentioning only the said figure in the promissory note, keeping the rest of it blank and later the figure '1' was put in front of the figures '35,000'.
5. The petitioner filed I.A.No.714 of 2017 contending that there is material alteration in the second line of the promissory note and that the figure '1' was put in front of the figures '35,000'; and that this is visible to the naked eye.
6. Though counter-affidavit was not filed by the respondent, the Court below dismissed the said application. It observed that a glance of the suit promissory note does not show that the alleged figure '1' was inserted before the amount of Rs.35,000/-, and that in words also the amount is mentioned as Rupees One Lakh Thirty Five Thousand only, and no material

alteration was visible to the naked eye; and therefore held that petitioner did not establish that there is a material alteration in the suit promissory note and there is no necessity to send it to an hand-writing expert.

7. Though the counsel for petitioner contended that the Court below ought to have referred the matter to an hand-writing expert to ascertain whether there is any material alteration in the suit promissory note or not, he did not dispute that under Section 73 of the Evidence Act, 1872 the Court is also empowered to come to its own conclusion on the point. That apart, no expert will be able to say whether the figure '1' was allegedly inserted before the figures '35,000' before it was signed by petitioner or after it was signed by petitioner.

8. It is not disputed that the promissory note, as was filed in the Court, contains the amount of Rs.1,35,000/- in words also and not only in figures. Whether the mention of the amount in words is subsequently done by the respondent or not is also something no expert would be able to say.

9. Therefore, I see no reason to interfere with the order passed by the Court below.

10. Accordingly, the Civil Revision Petition is dismissed as the stage of admission. No order as to costs.

11. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19.01.2018

Ndr/*