

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.5408 AND 5414 OF 2018

COMMON ORDER:

Since the parties and the subject suit in both these civil revision petitions are one and the same, they are being heard and disposed of together.

2. These Civil Revision Petitions, under Article 227 of the Constitution of India, are filed by the petitioner/defendant, aggrieved by the orders, dated 08.08.2018, passed in I.A.Nos.103 and 104 of 2018 in O.S.No.55 of 2010 by the learned V Additional District Judge at Bhongir, whereby, the applications filed by the revision petitioner/defendant to summon the Bank Manager, State Bank of India, Nalgonda, to produce the original account opening form, which contain the specimen signatures of the revision petitioner/defendant, and to send the disputed signature on Ex.A1-promissory note and the said original account opening form to Forensic Science Laboratory for comparison, were dismissed.

3. Heard learned counsel for the revision petitioner/defendant, learned counsel for the respondent/plaintiff and perused the record.

4. Learned counsel for the revision petitioner/defendant would contend that most of the time, the Presiding Officer has not posted the matter. After closure of the evidence of defendant, the subject applications were filed. The signatures

on Ex.A1-promissory note and bank account opening form of the petitioner/defendant are necessary for just adjudication of the subject matter of the suit. The Court below erroneously dismissed the applications and ultimately prayed to set aside the same and allow the Civil Revision Petitions as prayed for.

5. On the other hand, learned counsel for the respondent/plaintiff supported the impugned orders and contended that the Court below, having assigned reasons, rightly dismissed both the interlocutory applications. There is nothing to interfere with the same and ultimately prayed to dismiss both the civil revision petitions.

6. As seen from the material placed on record, the evidence of the revision petitioner/defendant was closed on 02.04.2015 and the matter was posted for arguments on 21.03.2018. At that stage, the subject Interlocutory Applications were filed. In the instant case, the revision petitioner/defendant is disputing his signatures on Ex.A1-promissory note. He ought to have taken steps for sending the disputed signature and the admitted signatures to the handwriting expert for examining the same, much earlier, particularly in the year 2010, when written statement was filed. The two subject Interlocutory Applications were filed belatedly, without assigning any cogent and convincing reasons. It appears that the subject Interlocutory Applications were filed as an afterthought to protract the litigation. The Court below is justified in dismissing the subject Interlocutory Applications by assigning reasons. There is no

perversity in the impugned orders. Both the revision petitions are devoid of merits and are liable to be dismissed.

7. In the result, the Civil Revision Petitions are dismissed.

The Miscellaneous petitions, if any, pending shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 30.12.2019
ssp

