

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NOS.432 and 433 OF 2023

COMMON ORDER:

Both the civil revision petitions arise out of the orders, dated 18.11.2022 passed in I.A.No.355 of 2022 in O.S.No.79 of 2019 and I.A.No.357 of 2022 in O.S.No.78 of 2019 on the file of the Principal Junior Civil Judge, Ponnur and as the issue in these revisions are one and the same, both these revision petitions are being disposed of by this common order.

2. The petitioner is the defendant in the suits vide O.S.Nos.78 and 79 of 2019 filed by wife and husband respectively for recovery of money basing on the promissory notes. In the said suits, the petitioner/defendant filed written statements stating that the signatures on the alleged promissory notes are not belonged to him and they are rank forged. The petitioner/defendant filed I.A.No.355 of 2022 in O.S.No.79 of 2019 and I.A.No.357 of 2022 in O.S.No.78 of 2019 under Order 16 Rules 1 and 2 & Section 151 Code of Civil Procedure praying to issue summons to the Branch Manager, HDFC Bank, Lakshmipuram Branch, Guntur to produce cheques containing the petitioner's signature. The same were dismissed by its

orders, dated 18.11.2022. Aggrieved by the same, the present revision petitions are filed.

3. Heard Sri K.Siva Rama Krishna, learned counsel for the petitioner.

4. Learned counsel for the petitioner in elaboration to what has been raised in the grounds contended that, the petitioner took the plea of forgery in the written statements, as such, he filed the present applications to issue summons to the Branch Manager, HDFC Branch to produce the cheques containing the petitioner's signatures pertaining to the year 2016-17 relating to the petitioner's account number 01891000042202 but the Court below dismissed the said interlocutory applications on the ground that the matter is at the stage of arguments and also stated that the petitioner is at liberty to file his admitted signatures of contemporaneous period to send the same for expert opinion along with the signatures on the promissory notes. Even after giving the details of Bank and account number, the Court below dismissed the said applications erroneously without giving any proper reasons. If these revisions are not allowed it would be difficult to prove the cases of the petitioner. As such, prayed to allow these revision petitions.

5. Perused the material available on record. No doubt the petitioner/defendant has categorically denied the very execution of the suit promissory notes and the present interlocutory applications have been filed at the fag end of the suit i.e., at the stage of arguments. In the said interlocutory applications, the respondent/plaintiff filed counters contending that the petitioner/defendant executed the suit promissory notes in his own handwriting but the same was not denied by him and simply denied the signatures of the suit promissory notes. These applications were filed to protract the disposal of the suit and the petitioner did not reveal the number of cheques used by the petitioner in the year 2016-17 containing his signature and that the Court can compare the signature of petitioner/defendant on the promissory notes with that of his signatures available on record as per Section 73 of the Indian Evidence Act.

6. On perusal of the impugned orders, dated 18.11.2022, it clearly shows that the Court below dismissed the said interlocutory applications observing that though the petitioner contended that his signatures of the year 2016-17 are available with HDFC Bank, Guntur he did not furnish any details or number of such cheques to call for the same and the Court can as well

compare the disputed signatures with that of the signatures of the petitioner available on record to come to the conclusion of the matters. As such the Court below has rightly dismissed the said applications giving liberty to file his admitted signatures of contemporaneous period to send the same for expert opinion along with the signatures on the promissory notes.

7. In view of the above facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner, this Court do not find any irregularity or impropriety warranting interference.

8. Accordingly, the Civil Revision Petitions are dismissed. Needless to observe, the petitioner is at liberty to file documents of contemporaneous period if any available as ordered by the Court below. There shall be no order as to costs.

Consequently, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Dated : 23.02.2023

SPP

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