

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P. No. 3525 OF 2014

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ORDER :
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This Civil Revision Petition is directed against order in I.A.No.404 of 2014 in OS No.1467 of 2006 dated 28.08.2014 wherein the Court below dismissed the application filed under Section 45 and 73 of the Evidence Act, to send Ex.B1 document to the hand writing expert at Truth Laboratories, Red Hills, Hyderabad to compare with the admitted signatures of Yeturu Nagaraju in Ex.A2 and written statement of first defendant in O.S.No.1500 of 2006 on the file of the Court below.

The Court below has dismissed the aforesaid interlocutory application on the ground that said Yeturu Nagaraju has not filed the interlocutory application for sending the document for comparison with the admitted signature of Yeturu Nagaraju in Ex.A2 and written statement of first defendant in OS No.1500 of 2006.

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

Learned counsel for the petitioner submits that no prejudice will be caused to the respondents if the alleged document is sent to the hand writing expert. In support of his contention, he relied on the judgment reported in **Velaga Sivarama Krishna v. Velaga Veerabhadra Rao and another**^[1].

On the other hand, learned counsel for the respondents submits that the person who disputed his signature himself

has to file the petition to send disputed signatures for comparison to the hand writing expert. In the present case on hand, the person whose signature is in dispute has not filed petition for sending his admitted and disputed signature to the hand writing expert.

In the instant case, the petitioners are claiming title through Yeturu Nagaraju alleging that the document executed by said Yeturu Nagaraju is forged one. It is stated that Ex.B1 is a forged document. Similarly, the first respondent is also alleging that Ex.A2 document is also a forged document. No doubt, the Court below can compare the admitted signature with that of the disputed signature of the person whose signature is disputed, but petition is not dismissed on that ground.

In view of the rival contentions of parties, there is nothing wrong in getting hand writing expert opinion with regard to the disputed signature of said Yeturu Nagaraju and that it is for the hand writing expert to give opinion with regard to the signature disputed in the documents mentioned by the petitioners and it is for the Court below to accept it or not. Therefore, it cannot be said that sending the documents for hand writing expert will not serve any purpose. More so, it will be advantageous to the Court below as well as to the parties and no prejudice will be caused to the respondents in sending the document to the hand writing expert. But, however, petitioner cannot ask the document to be sent to a particular lab. It is for the Court below to send to any hand

writing expert.

In view of the above, this Civil Revision Petition is allowed by setting aside the order in I.A.No.404 of 2014 in O.S.No.1467 of 2006 dated 28.08.2014. Accordingly, the Court below is directed to send the disputed signatures on Ex.A2 for comparison with signature of Yeturu Nagaraju on written statement in O.S.No.1500 of 2006 to any hand writing expert. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand disposed of.

A.RAJASHEKER REDDY, J

23rd January, 2015.

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