

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

FRIDAY THE ELEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 2287 OF 2015

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Between:

Devarapalli Kondaiah ... Petitioner

V/s.

Allam Ragamma ... Respondent

Counsel for the Petitioner: Sri AVVSN Murthy

Counsel for the Respondents: None appeared

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 2287 OF 2015

ORDER:

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Heard learned counsel for the petitioner and inspite of service of notice none appears for the respondent.

2. The defendant in OS.No. 441 of 2004 is the Revision Petitioner.

3. The CRP arises from the order dated 26/03/2015 whereunder the prayer of Revision Petitioner to send disputed signatures of Revision Petitioner in Ex.A-1 for the opinion of expert under section 45 of the Indian Evidence Act, is rejected.

4. I have perused the material available on record and taken note of the reasoning of the trial court for rejecting the prayer of Revision Petitioner. I am not convinced with the contention viz that by recording a portion of cross-examination in the instant prayer is rejected. The Civil Revision Petition fails and disposed of with these observations.

5. The suit is one for specific performance of agreement of sale dt. 30/01/2000. It is needless to observe that having regard to the nature of issues which are pending for trial and decision in OS.No.441 of 2004, the learned trial Judge has to fix the burden of

proof and appreciate the evidence in accordance with law and decide the suit. The power of court to compare signatures is well circumscribed and those principles have to be borne in mind. It is further clarified that any observations made by the learned trial Judge in disposing of I.A.No. 413 of 2014 are to be treated as exclusively made for the disposal of the instant I.A. and none else.

6. With the above observation, the Civil Revision Petition is disposed of. No order as to costs.

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

JUSTICE S.V. BHATT

11/09/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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