

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Civil Revision Petition No.3096 of 2015

Date: 28-08-2015

Between:

Kota Rajendra Prasada Reddy

.... Petitioner

AND

Kota Bali Reddy and another

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Civil Revision Petition No.3096 of 2015

ORDER:

The Civil Revision Petition is filed against the order dated 03-07-2015 in I.A.No.807 of 2015 in O.S.No.198 of 2013 passed by the II Additional Senior Civil Judge, Nandyal, dismissing the petition filed under Sections 45 and 73 of the Indian Evidence Act for sending the document to compare the disputed signatures in Ex.A.1 with the admitted signatures of the petitioner-defendant.

2. The case of the revision petitioner is that the respondent-plaintiff filed the suit against the revision petitioner-defendant for recovery of suit amount along with interest wherein the revision petitioner filed his written statement resisting the suit that the suit promissory is forged one and he always used to sign only in English and that the signature on the promissory note is not belonged to him. The revision petitioner filed the present application for sending his disputed signatures to the Handwriting Expert for comparison of the same with his admitted signatures.

The Court below, having considered the facts and circumstances of the case, dismissed the application holding that no admitted writings relating to the petitioner-defendant were filed and that there is every possibility of change of pattern of writing. The Court below also held that except stating that he used to subscribe his signature in English, no proof is filed. Aggrieved by the said order, the present revision petition has been filed.

3. Learned counsel for the petitioner submits that when the revision petitioner-defendant disputed his signatures on the suit promissory note and sought for sending the same to the Handwriting Expert for comparison with that of admitted signatures, the Court should have ordered for sending the disputed signatures with that of admitted signatures to be obtained open court, but the Court below erroneously dismissed the application.

4. In this case, admittedly, there were no admitted signatures of the revision petitioner for comparison of the disputed signatures. The Court below, having considered the circumstances of the case, held that for sending the document for expert's opinion, no admitted writings relating to the petitioner-defendant were filed and he requested the court to take his signatures in open court, which may not be considered as admitted writings, as there is every possibility of change of pattern of writings. More so, the revision petitioner failed to file any proof of his signature claiming to be signed in English, except saying that he used to sign his signature in English. It is not possible to send the disputed signatures to the expert for comparison of the same in the absence of admitted signatures. Therefore, the reasons given by the Court below in dismissing the application are just and reasonable and do not suffer from any serious infirmity or illegality calling for interference of this court in exercise of restricted

revisional jurisdiction under Article 227 of the Constitution of India, and hence, the civil revision petition is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed at the stage of admission. There shall be no order as to costs.

A. RAJASHEKER REDDY, J

Date: 28-08-2015

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