

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.5806 of 2015

Date:31.12.2015

Between:

Thadikonda Sambasiva Rao,
W/o Kotaiah

..... Petitioner

And:

Chennupati Siva Parvathi,
W/o Srinivasa Rao and three others.

.....Respondents

Counsel for the Petitioner: Mr. K.Narsi Reddy

Counsel for Respondents: ---

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 06.10.2015, in I.A.No.1189 of 2015 in O.S.No.192 of 2012 on the file of the Principal Junior Civil Judge, Sattenapalli.

The respondents filed the above-mentioned suit for specific performance of agreement of sale, dated 29.7.1989, against the petitioner. The petitioner filed the above-mentioned I.A. under Section-45 of the Indian Evidence Act, 1872 (for short 'the Act') for sending the

suit agreement of sale along with his admitted signatures to a Hand writing Expert for comparison. This application was dismissed by the lower Court on the ground that except praying that his admitted signatures may be sent to a Hand writing Expert, the petitioner has not indicated as to what those admitted signatures are. The lower Court has also observed that no contemporaneous documents containing the signatures of the petitioner have been produced by him for comparison with the suit document.

As rightly observed by the lower Court, unless the petitioner produces the document containing his admitted signatures, it is not safe to send the signatures subscribed by him in the Court for comparison with the disputed signatures.

Upon a careful consideration of the facts of the case and the reasons given by the lower Court, I do not find any material irregularity or jurisdictional error in the order of the lower Court.

Mr. K.Narsi Reddy, learned counsel for the petitioner, however, submitted that there is a document of the year 1984 containing the signatures of the petitioner and that the lower Court may be directed to compare the same with the disputed signatures. I find this request reasonable though such a request did not appear to have been made by the petitioner before the lower Court. If the petitioner makes an application in this regard, the lower Court is directed to receive the documents containing the admitted signatures of the petitioner for comparison with the signatures on the suit document by exercising its power under Section-73 of the Act.

Subject to the above direction, the Civil Revision Petition is disposed of.

As a sequel to disposal of the Civil Revision Petition, CRPMP.No.7611 of 2015 shall stand disposed of

as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*31st December, 2015
DR*