

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.3139 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant aggrieved by the order and decree dated 10.07.2015 in I.A.No.217 of 2015 in O.S.No.907 of 2011 passed by the I Senior Civil Judge, City Civil Court, Hyderabad, dismissing the application filed by him under Section 45 of the Indian Evidence Act, 1872 for sending the document Ex.B.3 to the handwriting expert so as to ascertain whether the signature contained therein belongs to the 2nd respondent-plaintiff No.2.

2. The respondents/plaintiffs have filed the aforesaid suit for eviction of the petitioner/defendant from the suit schedule premises, alleging that the petitioner is a tenant. The petitioner/defendant denied tenancy and pleads that another person, namely Sri Amit Gupta is a tenant. The suit is of the year 2011 and coming up for arguments. At that stage, the petitioner/defendant has filed the present application in I.A.No.217 of 2015 under Section 45 of the Indian Evidence Act for sending the document Ex.B.3 to the handwriting expert so as to

ascertain whether the signature contained therein belongs to the 2nd respondent-plaintiff No.2. After the considering the material on record, the Court below dismissed the said application through the impugned order dated 10.07.2015, holding that for adjudication of the issue, there is no need to send Ex.B.3 document to the handwriting expert for his opinion. Hence, the present civil revision petition.

3. Learned counsel for the petitioner/defendant vehemently contented that for adjudication of the issue involved in the suit, the Court below ought to have allowed the application. In support of his contention, the learned counsel has placed reliance on a judgment of the Apex Court in AJIT SAVANT MAJAGAVI v. STATE OF KARNATAKA^[1].

4. Having heard learned counsel for the petitioner/defendant, I have perused the material on record carefully.

5. In this case, it is to be seen that there is another document available under Ex.A.1, advance rental amount receipt, said to have been passed by the petitioner/defendant in favour of plaintiff No.2, to resolve the issue as to who is the tenant of the suit schedule premises. It is also to be noticed that the said Amit Gupta is not impleaded as a party defendant in the suit.

Therefore, this Court is of the view that for adjudication of the issue involved in the suit, as rightly observed by the Court below, there is no need to send the document under Ex.B.3 to the handwriting expert for his opinion. The judgment of the Apex Court relied upon by the learned counsel for petitioner/defendant also would not render any assistance to the case of the petitioner/defendant, having regard to the factual situation in the present case.

6. For the aforesaid reasons, this civil revision petition is devoid of merits and is accordingly dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
07.08.2015.
Msr

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[\[1\]](#) AIR 1997 SC 3255