

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.Nos.2317 of 2014 and 2316 of 2014

COMMON ORDER :

Since these two Revisions arise between the same parties out of the same suit, they are being disposed of by this common order.

2. O.S.No.10 of 2010 was filed by petitioner before the Senior Civil Judge, Atmakur seeking specific performance of an agreement of sale dt.16.06.2003 executed by one Late M. Krishna Reddy, who is the husband of 1st respondent and father of respondent nos.2 and 3, in his favour.

3. Written statement was filed by 1st respondent admitting the execution of the suit agreement of sale by M. Krishna Reddy in favour of petitioner. The 4th respondent was impleaded in the suit subsequently. According to respondent nos.1 to 3, it was the 4th respondent who induced the deceased late M. Krishna Reddy to sell the property to plaintiff.

4. The 4th respondent filed a written statement in the suit stating that the signature on the suit agreement of sale does not belong to M. Krishna Reddy and that his own signature, as an attester in the agreement of sale

dt.16.06.2003, is a forged one.

5. The petitioner then filed I.A.No.86 of 2013 to re-open the suit and to enable him to send for certain documents from the Divisional Forest Office, Atmakur and I.A.No.87 of 2013 to send the suit agreement of sale to a hand-writing expert for comparing with documents to be obtained from the Divisional Forest Office, Atmakur.

6. By separate orders both dt.25.06.2014, the Court below dismissed both the applications. It held that the evidence of PWs.1 to 3 was completed and defendant nos.1 to 6 were examined and the matter was posted for arguments, and at this stage these applications have been filed. It held that once the respondent nos.1 to 3 admitted the execution of the suit agreement of sale by the deceased-executant, the plea of 4th respondent that his signature thereon is forged is irrelevant and, in any event, PW.2 another attestor had supported the execution of the agreement of sale. It further held that expert evidence is not substantial evidence and it is only corroborative evidence and even in the absence of expert evidence, court can still consider the oral and documentary evidence on record.

7. Challenging the same, these Revisions have been filed.

8. Heard Sri C. Prakash Reddy, counsel for

petitioner; and Sri K. Suresh Reddy, counsel for 4th respondent.

9. The counsel for petitioner contended that the Court below ought to have allowed both applications, re-opened the suit, summon documents named in I.A.No.86 of 2013 from the office of the Divisional Forest Office, Atmakur and sent the said documents for comparison of signature of 4th respondent to a hand-writing expert for comparison of signatures of 4th respondent on the suit agreement of sale.

10. I am unable to agree with the said submissions.

11. The petitioner filed the suit for specific performance of the agreement of sale dt.16.06.2003 executed by Late M. Krishna Reddy in his favour. Once the execution of the said agreement is admitted by defendant nos.1 to 3, who are the wife and children of Late M. Krishna Reddy and such execution is supported by PW.2, another attester thereof, the question of doubting its execution on the pretext that 4th respondent had disputed his signature as attester thereon, does not arise.

12. I am of the opinion that the Court below had rightly dismissed both the I.A.s. Therefore, the Revisions are without any merit and are accordingly dismissed. No order as to costs.

13. Miscellaneous applications, pending if any in these Revisions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-07-2015

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