

HON'BLE SRI JUSTICE R. KANTHA RAO

Civil Revision Petition No.4412 of 2015

ORDER:

Heard Sri Siva Bhami Reddy, S, learned counsel appearing for the petitioner.

2. The respondent herein, who is the defendant in the suit, filed an application before the trial court to send Ex.A.1 and other documents to the Director, APSFL, Red Hills, Hyderabad, for comparison with the admitted signatures. The documents were sent to the Director, APSFL, Red Hills, Hyderabad. The Expert sent his opinion stating therein that the person, who wrote S1 to S19, did not write the questioned signature. Thereafter, the petitioner/plaintiff filed I.A.No.951 of 2015 under Section 45 of the Indian Evidence Act, to send the signatures of the defendant for comparison with the disputed signatures to another Handwriting Expert. The said petition was dismissed by the trial Court. Feeling aggrieved of the same, the petitioner filed the present revision petition.

3. The trial Court while dismissing the petition held that the Handwriting Expert is yet to be examined before the Court and without examining the said Handwriting Expert, directing the documents to another Handwriting Expert is improper. The evidence of the Handwriting Expert is only opinion evidence. The petitioner mentioned in the application that the opinion given by the Handwriting Expert is not in accordance with the standards and specifications that are to be followed by the Handwriting Expert. The said question can be examined by the trial court only if the Handwriting Expert is cross-examined on the point how he arrived to the opinion as given in the report. As rightly held by the trial Court, the application is premature and is liable to be dismissed.

4. Therefore, I see absolutely no reason to interfere with the order passed by the trial court and the Civil Revision Petition is accordingly dismissed at the stage of admission. No order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

Date: 07.11.2015

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HON'BLE SRI JUSTICE R. KANTHA RAO

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Date: 07.11.2015

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