

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.1736 of 2015

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ORDER :

This civil revision petition is filed under Article 227 of the Constitution of India, by the defendant in the suit in O.S.No.1271 of 2012, aggrieved by the order dated 10.04.2015, passed by the XXI Junior Civil Judge, City Civil Court, Hyderabad, in I.A.No.63 of 2015.

2. In O.S.No.1271 of 2012, which was filed by respondent-plaintiffs for eviction of petitioner, nearly 15 interlocutory applications are filed by the petitioner herein, one after the other since beginning. When the matter is coming up for arguments, petitioner has filed the present application in I.A.No.63 of 2015 under Section 45 of the Indian Evidence Act, to send Exs.B-24 to B-44 to expert, to compare the signature of PW-2/Mir Azhar Ali Khan with the signature appearing on Exs.B-24 to B-44.

3. It is the case of petitioner that when rent was paid at the rate of Rs.2,900/- per month, PW-2 has received the same upto the month of September 2011 and he has also passed-on receipts under Exs.B-24 to B-44, inspite of the same, the said Mir Azhar Ali Khan who is examined as PW-2, has denied his signature on Exs.B-24 to B-44. It is submitted that if such amount of rent is proved, the civil Court will not be having jurisdiction to decide the case at

all. The learned counsel for petitioner has placed reliance on the judgments of this Court in **Thumu Srikanth v. Akula Babu**^[1] and in **Matta Sriramamurthy v. Arepalli Srirama Murthy**^[2].

4. On the other hand, it is submitted by the learned counsel for respondent-plaintiffs that the suit for eviction was filed in the year 2012 and since beginning, petitioner herein has filed series of interlocutory applications claiming one relief or the other to protract the litigation. It is submitted that even after filing of I.A.No.63 of 2015, three more applications are filed in I.A.Nos.113, 114 and 115 of 2015 for framing additional issues, to summon the Postman and to reopen the suit for further evidence of Postman and all the said petitions are also dismissed. It is further contended by the learned counsel for respondent-plaintiffs that when PW-2 had denied his signatures when he was examined in the year 2013, without taking any steps at that point of time, the present application is filed when the matter is coming up for arguments, only to stall the proceedings.

5. In this case, it is not in dispute that PW-2 was examined in the year 2013 and the petitioner has filed series of interlocutory applications from the beginning, from which, it appears, he is trying to protract the litigation on one ground or the other. When PW-2 had denied his

signatures when he was examined in 2003, there is no reason for not moving any application under Section 45 of the Evidence Act, for this long.

6. I have perused the aforesaid judgments relied on by the learned counsel for petitioner. Having regard to the fact situation in the present case and having regard to the conduct of the petitioner herein, the said judgments will not render any assistance in support of his case.

7. For the aforesaid reasons, I do not find any ground to interfere in the matter in exercise of powers under Article 227 of the Constitution of India. The revision is accordingly dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

26th June 2015

N.B:

Issue C.C. in one week.

(b/o)

ajr

[\[1\]](#) 2010 (6) ALT 233

[\[2\]](#) 2015 (1) ALD 168