

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.744 of 2015

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Dated 06.03.2015

Between:

Smt.P.Indrani

...Petitioner

and

K.Naveen Kumar and 2 others

...Respondents

Counsel for the Petitioner: Mr.G.Narasimha

Counsel for the respondents: ---

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 11.12.2014, in IA.No.1010 of 2014 in OS.No.115 of 2009, on the file of the Court of the learned I Additional Junior Civil Judge, Ranga Reddy District at L.B.Nagar.

Respondent Nos.1 to 3 have filed the above-mentioned suit for declaration that sale deed No.5713/1998, dated 31-10-1998, is null and void. The said sale deed was, purportedly, executed by

their father. As the petitioner has filed a written statement denying the allegation that the suit document was forged one, respondent Nos.1 to 3 were constrained to file IA.No.1010 of 2014 under Section 45 of the Indian Evidence Act, 1872, for sending the suit document to a Forensic Science Laboratory (FSL) for comparison of the signatures of its executant with the signatures contained in the service register of the father of respondent Nos.1 to 3 and certain other documents, which are in the custody of his employer *i.e.*, Andhra Pradesh State Road Transport Corporation (APSRTC). The documents, on which the signatures of the father of respondent Nos.1 to 3 were available, pertain to the applications made by him for surrender of leaves for the years 1989, 1994, 1995 & 1997 and for declaration of family members. At the instance of respondent Nos.1 to 3, the APSRTC directly produced those documents before the Court. The lower Court has, therefore, allowed the request of respondent Nos.1 to 3 and directed the above-mentioned documents to be sent to the FSL for comparison of the signatures available thereon with the signatures on the suit document. Feeling aggrieved by the said order, defendant No.1 filed

this Civil Revision Petition.

I have heard Mr.G.Narasimha, learned Counsel for the petitioner, and perused the record.

It is not in dispute that the signatures, which are sought to be compared with the disputed signatures on the suit document, are borne on the service record of the deceased father of respondent Nos.1 to 3. Indubitably, the burden lies heavily on respondent Nos.1 to 3 to prove their allegation that the suit document was forged. Unless the disputed signatures of the executant of the suit document are compared with that contained on the service register of the deceased father of respondent Nos.1 to 3, respondent Nos.1 to 3 cannot succeed in the suit.

The Only objection raised by the learned Counsel for the petitioner is that his client had no opportunity to verify whether the two documents, which were produced by the APSRTC, were genuine or not. In my opinion, this plea appears to be wholly specious, for, the APSRTC is a public corporation and the documents maintained by it in respect of its employees, are official documents. Therefore, there is a presumption of genuineness in favour of the official documents. If the petitioner

had *bona fide* disputed those signatures, nothing prevented her from requesting the Court to permit her to peruse them during the pendency of IA.No.1010 of 2014. The learned Counsel for the petitioner submitted that no such request was made by his client. This conduct of the petitioner shows that she has filed this Civil Revision Petition as an after thought, evidently, with a view to prevent sending of the suit document to the FSL for examination by an expert.

For the foregoing reasons, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.982 of 2015, filed by the petitioner for interim relief, is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 6th March, 2015
LUR