

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO
CIVIL REVISION PETITION Nos.3234,3235 & 3236 of 2015

COMMON ORDER:

These three petitions are being disposed of by this common order, in view of identity of subject matter and parties.

The petitioners are defendants in O.S.Nos.147 of 2011, 72 of 2012 and 67 of 2012 on the file of the II Additional District Judge, West Godavari District at Eluru. The said suits were filed by the respondents for recovery of money and specific performance of agreements of sale. Before commencement of the trial, the defendants filed I.A.Nos.316, 318 and 320 of 2013 for sending the suit promissory note and the disputed endorsements on the agreements of sale to an handwriting expert for comparing the signatures thereon with the signatures on vakalats and written statements along with other admitted signatures. The said applications were dismissed on 02.06.2015 by the trial Court holding that the stage is too premature to consider the prayer of the defendants.

The learned counsel for the defendants submits that no prejudice would be caused to the plaintiffs by allowing the said applications.

The learned counsel for the plaintiffs relied on a decision of this Court in ***Velamala Jagadish Vs. Ippli Haranadha Rao***^[1] and submits that when the trial Court exercised its discretionary power, this Court ought not to interfere with the same, in exercise of the powers conferred under Article 227 of the Constitution of India.

But a perusal of the impugned orders shows that the trial

Court considered various decisions of this Court and observed in favour of the defendants, but ultimately opined that sending of signatures available on vakalats, written statements and documents not of a contemporaneous period will not serve any useful purpose and the stage is too premature to consider the prayer of the defendants. In view of the opinion expressed by the trial Court, I am not inclined to interfere with the said orders at this stage. But however, liberty is given to the defendants to renew the request at an appropriate stage, if they are so advised.

Accordingly, the Civil Revision Petitions are dismissed. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in the civil revision petitions shall stand dismissed.

(A.RAMALINGESWARA RAO, J)

18th December, 2015

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[\[1\]](#) 2004(3) ALD 439