

HON'BLE SRI JUSTICE R.SUBHASH REDDY

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CIVIL REVISION PETITION No.1648 of 2015

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ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/respondents aggrieved by the order dated 08.12.2014 in I.A.No.880 of 2013 in O.P.No.359 of 2012 passed by the Family Court-cum-IV Additional District and Sessions Judge, Vijayawada, Krishna District, allowing the application filed by the respondent/petitioner under Section 45 of the Indian Evidence Act, 1872 seeking to send the impugned document i.e., letter dated 19.09.2011 for comparison with his admitted signatures.

2. The petitioners herein have filed the aforesaid O.P. against the respondent herein and others seeking maintenance and return of Stridhana property, basing on a letter dated 19.09.2011 said to have been addressed by the respondent herein. The O.P. was coming up for cross-examination of P.W.1 by the respondent herein. At that stage, the respondent herein has filed I.A.No.880 of 2013 under Section 45 of the Indian Evidence Act, seeking to send the said letter for comparison with his admitted signatures, on the ground that he never signed any such letter and the signature therein is a rank forgery. The Court below has allowed the said application through the impugned order dated 8.12.2014. Hence, the present civil revision petition.

3. Heard Smt. R. Annapurna, learned counsel for the petitioners/respondents and perused the impugned order.

4. As there is a dispute with regard to the signature of the respondent herein on the letter dated 19.9.2011 and in view of the stand taken by the respondent that the said letter is a forged document, this Court is of the view that the opinion of expert is very much necessary to

resolve the issue involved in the O.P. Therefore, the Court below has rightly allowed the application filed by the respondent herein. In view of the reasons assigned by the Court below, I do not find any merit in this revision, warranting interference by this Court, under Article 227 of the Constitution of India.

5. For the aforesaid reasons, this civil revision petition is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

01.05.2015.

Msr

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