

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.406 of 2016

ORDER:

This revision is preferred challenging orders dated 09.12.2015 in I.A.No.639 of 2015 in O.S.No.327 of 2007 on the file of Senior Civil Judge at Sangareddy. The said I.A. is filed to call for the original thumb impression Register containing the signature and thumb impression of PW.1, from Sub Registrar's office.

2. Revision petitioner herein is first defendant in the suit O.S.No.327 of 2007 and the said suit is filed against him for cancellation of gift settlement deed dated 09.07.2007. Revision petitioner herein filed written statement disputing the claim of plaintiff and the trial was commenced and that after plaintiff's evidence is closed, two witnesses are examined on his behalf and the matter was posted for further evidence, and at that stage, petitioner filed this application to call for thumb impression Register to compare the same with the signature on Ex.A1 i.e., Power of Attorney with Ex.B2 agreement of sale deed. Trial court dismissed the said application holding that there is no need to call for original register, as the plaintiff counsel admitted the signature on GPA.

3. Heard advocate for revision petitioner.

4. Learned advocate for revision petitioner submitted that G.P.A do not contain thumb impression and only original register would contain both signature and thumb impression and to compare the same, the original register is required. But initially the party has to take steps for comparison of admitted signatures with the disputed signatures and if in case of any controversy with

regard to comparison, the question of comparing thumb impression would arise. But at this stage, comparison of both signature and thumb impression, particularly, when thumb impression is not there on the disputed document is not warranted. Trial court has rightly dismissed the application and that there are no grounds to interfere with the same. However, petitioner is at liberty to take steps for comparison of admitted and disputed signatures and thereafter to renew his request, if he is not satisfied with the comparison report.

6. Accordingly, this Civil Revision Petition is dismissed at admission stage. No costs. Miscellaneous petitions, if any pending, in this Appeal shall stand closed.

S. RAVI KUMAR, J

Date: 29-01-2016.

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