

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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CIVIL REVISION PETITION No. 141 of 2016

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ORDER:

Aggrieved by the order dated 28.10.2015 in I.A.No.814/2015 in O.S.No.34/2009 on the file of the Additional Senior Civil Judge, Machilipatnam, this civil revision petition is filed.

2. The petitioner herein is the plaintiff in O.S.No.34 of 2009 that was filed on the basis of equitable mortgage deed by deposit of title deeds on 17.01.2006. The document was marked as Ex.A1. While so, the petitioner filed I.A.No.814 of 2015 for sending Ex.A1 to handwriting expert for comparing the signature on Ex.A1 with the specimen signature of the respondent-defendant.

3. The trial Court, vide the impugned order, observed that admittedly Ex.A1 is of the year 2006 and it contains signatures of the executant in Telugu, whereas the vakalat of the defendant filed in the year 2009 contains his signature in English; and the signatures on the written statement are in Telugu but with the surname in short form, whereas in Ex.A1 the signatures are in full form and entirely in Telugu. The summons sent to the defendant through Court as well as by post was received by his father and thus there are no contemporaneous signatures of the defendant available for the purpose of sending

them for expert comparison along with Ex.A1. The Court also observed that no useful purpose would be served by sending the signature contained on the vakalat filed by the defendant for comparison with Ex.A1 as the signatures on the said two documents are in different languages. The Court further observed that the surname of the defendant on his written statement contains initial 'Y' whereas the surname on Ex.A1 is in full form and hence no purpose would be served if both are sent for comparison; and the signatures that may be obtained in open Court cannot be considered as admitted signatures in view of the decisions of this Court in **Renu Devi Kedia v. Seethadevi**^[1], and **M. Narsi Reddy v. V. Raghuram Naidu**^[2].

4. A perusal of the impugned order would show that the trial Court has passed a reasoned order while dismissing the interlocutory application and the trial Court has also given liberty to the petitioner to file another application in case contemporaneous signatures of the defendant are available. Learned counsel for the petitioner submits that the case is posted for arguments.

5. In that view of the matter, I do not see any reason to interfere with the impugned order and the revision is liable to be dismissed.

6. The civil revision petition is, accordingly, dismissed.

No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. CHANDRAIAH

04th March, 2016
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[\[1\]](#) 2004 (6) ALT 429

[\[2\]](#) 2015 (2) ALT 529