

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
CIVIL REVISION PETITION No.1988 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondent.

2. The petitioner herein is plaintiff in O.S.No.74 of 2013 on the file of the Court of the Senior Civil Judge, Khammam (for short, trial Court). He filed the said suit for specific performance of agreement of sale dated 13.10.2012 executed by the respondent herein. In the said suit, the respondent herein filed I.A.No.808 of 2014 for sending the said agreement of sale along with specimen signatures of the respondent herein to handwriting expert for the purpose of comparison and for obtaining opinion. The said application was resisted by the petitioner herein stating that the petition was filed in a routine manner without justifying the relief sought for in the petition. It was also stated that the Court has got power to compare the signature with other documents filed by the respondent in a complaint in Crime No.27/2013 pending before the Nelakondapally Police Station. After considering the rival averments, the trial Court passed an order allowing the application, by order dated 24.04.2015. Challenging the said order, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner submits that the trial Court should not have allowed the application at the present stage when the trial in the suit has not commenced. The learned counsel for the respondent, on the other hand,

submits that the respondent has already filed a complaint before the Nelakondapally Police Station in Crime No.27/2013 in respect of the agreement of sale dated 13.10.2012. He submits that no prejudice would be caused to the petitioner, if the said document is sent to the handwriting expert for his opinion.

4. I have carefully perused the impugned order. The trial Court

observed that the opinion of the expert is not conclusive proof and no prejudice would be caused to the petitioner/plaintiff. However, the learned counsel for the petitioner raised objection stating that the document cannot be sent to the handwriting expert for comparison of the signatures obtained in the open Court.

5. In the circumstances, while upholding the view expressed by the trial Court, the impugned order dated 24.04.2015 is modified by allowing I.A.No.808 of 2014 for sending the agreement of sale dated 13.10.2012, for comparison of the same along with the admitted signatures in the written statement and vakalath instead of signatures of the defendant obtained in the open Court, to the handwriting expert, Andhra Pradesh Forensic Science Laboratory, Hyderabad.

6. Subject to the above observations, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 05.01.2016
TJMR