

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.2689 of 2016

ORDER :

This Civil Revision Petition is filed against the order dated 26.10.2015 in IA No.334 of 2015 in O.S.No.52 of 2006 wherein the Court below dismissed the application filed by the petitioners under Section 45 of the Indian Evidence Act to send Ex.A2, Agreement dated 22.06.2005 with the admitted signature of the petitioner/first defendant to the hand writing expert for comparison and opinion.

Heard learned counsel for the petitioners, who submits that the petitioner/first defendant is disputing his signatures on Ex.A2, agreement of sale, as such, the Court below erroneously dismissed the application filed by the petitioner. He further submits that the alleged signature was obtained by force in the police station.

Now, it is to be seen that the suit is of the year 2006 and the application for sending the disputed signature to the Hand Writing expert was filed by petitioners in the year 2015. The evidence of D.W.2 was already completed and the Court below, by exercising its discretion, basing on the evidence of D.W.2, held that it can compare the admitted signature with the disputed signature on Ex.A2 by invoking the provisions of Section 73 of the Indian Evidence Act.

Admittedly, under Section 73 of the Indian Evidence Act, the Court can compare the signatures on the agreement of sale dated 08.10.2004 with admitted signature. As noted above, the suit is filed in the year 2006 and the interlocutory application is filed in the year 2015. In the circumstances, I do not see any error or infirmity in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

Accordingly this Civil Revision Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

15.07.2016
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HON’BLE SRI JUSTICE A.RAJASHEKER REDDY

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