

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.852 of 2016

ORDER :

This revision is preferred questioning order dated 04.12.2015 in I.A.No.850 of 2015 in O.S.No.29 of 2012 on the file of Senior Civil Judge, Rayachoty.

2. Revision petitioners herein are defendants in the above referred suit in O.S.No.29 of 2012, which is filed for specific performance of agreement of sale dated 16.05.2012. After examining DW.2, defendants filed I.A.No.850 of 2015 requesting the trial Court to send the disputed document, which is marked as Ex.A.1, along with their admitted signatures to a handwriting expert i.e., Government Forensic Science Laboratory, Hyderabad, for comparison and report. Revision petitioners contended that they never executed any agreement on 16.05.2012 and it is a forged document and that the signatures on the said document are not that of defendants. Trial Court considered the request of revision petitioners and allowed the application subject to condition that revision petitioners shall deposit a sum of Rs.3,000/- in the name of Director, A.P. Forensic Science Laboratory, Hyderabad, by way of demand draft and on a further condition that they have to file not less than five signatures of each petitioner for the contemporary period of Ex.A.1 document before 16.12.2015 and recorded that failing to comply those

conditions, petition stands dismissed. Now questioning the condition imposed by the trial Court that revision petitioners have to produce signatures of contemporary period, present revision is preferred.

3. Heard arguments.

4. Advocate for petitioners submits that defendants are house wives and they do not have any transaction in the year 2011 and they have no document bearing their signatures of that period, therefore, the condition imposed by the trial Court is not legal. It is submitted that the Court can send the signatures of these revision petitioners, which are available on record i.e., affidavits, etc., therefore, the condition imposed by the trial Court is not legal.

5. On the other hand, advocate for respondents submitted that the trial Court has rightly put the conditions and if revision petitioners have no documents of that period, they have to intimate the trial Court and can produce the available signatures for comparison purpose.

6. Now the point that would arise for my consideration in this revision is:

Whether the order dated 04.12.2015 in I.A.No.850 of 2015 in O.S.No.29 of 2012 on the file of Senior Civil Judge, Rayachoty, is legal, proper and correct?

POINT :

7. I have perused the material papers including the impugned order. As rightly pointed out by advocate for

respondents if revision petitioners do not possess any document for the contemporary period, it is for them to appraise the same to the trial Court and then produce the available signatures for comparison purpose, but they cannot contend imposing such condition is not legal. On a scrutiny of the material, I do not find any illegality or wrong exercise of jurisdiction by the trial Court and it rightly imposed conditions and that there are absolutely no grounds to interfere with such conditions.

8. For these reasons, revision is dismissed as devoid of merits.

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

S. RAVI KUMAR, J

26th July 2016.

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