

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos.3678 & 3745 of 2015

COMMON ORDER:

Heard the learned counsel for petitioners and none appeared for respondents. These two CRPs are being disposed of by this common order as the parties are common and the property involved is also common.

2. The petitioners herein are plaintiffs in O.S.No.62 of 1991 on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District at L.B.Nagar (for short, trial Court). The said suit was filed for specific performance of an agreement of sale dated 04.09.1986 executed by respondents 1 to 4 herein in favour of the first petitioner herein. Now respondents 1, 3 and 4 died and the first petitioner also died. In view of the dispute of execution of the said agreement of sale, the petitioners filed I.A.No.221 of 2014 for sending the said agreement of sale along with four receipts to the handwriting expert for comparison of signatures of the first respondent. The said application was allowed and the documents were sent to the Director, Forensic Science Laboratory, Hyderabad, but the Director, FSL, Hyderabad returned the documents on 16.03.2015 stating that the original receipt dated 04.09.1986 was not sent along with letter dated 28.02.2015 by the Court and the admitted signatures of the deceased first respondent are required for the purpose of comparison. It appears that the receipt dated 04.09.1986 was exhibited in O.S.No.156 of 2000 on the file of the Court of the I Additional District Judge, Ranga Reddy District at L.B.Nagar.

3. The petitioners herein filed I.A.No.526 of 2015 calling for the original receipt from the said Court and the said application was dismissed by the trial Court, by order dated 10.07.2015, on the ground that the certified copy of the said receipt was already marked as Ex.A.21 and hence there was no need to summon the original and also on the ground that the plaintiffs and the defendants are not at all parties to O.S.No.62 of 1991, but the deceased K.Bal Raj, first respondent, was a

party to the said suit.

4. The petitioners also filed I.A.No.527 of 2015 seeking issuance of summons to the Sub-Registrar, Vallabnagar to produce the register of signature and thumb impressions pertaining to the registered GPA vide document No.196/1986 and also registration of cancellation deed vide document No.165/1989 to send the same to the handwriting expert for the purpose of comparison of signatures. The respondents filed their counter stating that they never admitted the said registered GPA or its cancellation document and they cannot be received in the absence of any petition. The trial Court dismissed the said application, by order dated 10.07.2015, on the ground that the K.Bal Raj, first respondent, denied the execution of document No.196/1986 and hence the same cannot be treated as an admitted signature of deceased K.Balraj. Challenging the dismissal of I.A.Nos.526 and 527 of 2015, CRP.Nos.3678 and 3745 of 2015 respectively are filed.

5. Though the present plaintiffs and the defendants are not parties to O.S.No.62 of 1991, since the trial Court earlier

allowed I.A.No.221 of 2014 for sending the agreement of sale along with four receipts to the handwriting expert, the plaintiffs should have been allowed to call for the original receipt as prayed in I.A.No.526 of 2015. The occasion arose as the Director, FSL, Hyderabad returned the document on 16.03.2015 stating that the original receipt dated 04.09.1986 was not sent along with the letter dated 28.02.2015 by the Court and the original receipt is in O.S.No.62 of 1991. Therefore, I.A.No.526 of 2015 is liable to be allowed.

6. However, with regard to I.A.No.527 of 2015, the respondents are disputing the execution of the document bearing No.196/1986 by K.Bal Raj and in view of the said dispute, summons cannot be issued to the Sub-Registrar, Vallabnagar to produce the register of signature and thumb impressions. In the circumstances, the order passed by the trial Court in I.A.No.527 of 2015 is correct.

7. Hence, CRP.No.3678 of 2015 is allowed by setting aside the order in I.A.No.526 of 2015 and allowing I.A.No.526 of 2015. CRP.No.3745 of 2015 is dismissed confirming the order in I.A.No.527 of 2015. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 05.01.2016
TJMR