

**THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

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**CIVIL REVISION PETITION No. 688 of 2016**

**ORDER:**

This civil revision petition is filed against the order dated 05.07.2011 passed by the XIII Additional Chief Judge, Fast Track Court, City Civil Court, Hyderabad in I.A.No.431 of 2011 in O.S.No.319 of 2006. The petitioner herein is the defendant in the suit.

2. Heard.

3. The petitioner filed a petition under Order 26 Rule 10-A of Civil Procedure Code r/w Section 45 of the Evidence Act, stating that the respondent-plaintiff refused to file the suit against the petitioner, and it is the sons of the respondent-plaintiff who have forged the signature of the plaintiff on the plaint and filed the suit. And hence, the petitioner prayed the Court below to send the admitted signature of the plaintiff on Ex.B1 along with the signature on the plaint for expert comparison. The trial Court dismissed the application by observing that the plaintiff was examined as PW1 and she categorically stated that she filed the suit against the petitioner-defendant. The trial Court further observed that the plaintiff being a lady aged 82 years, might not recognize her signature but her cross examination supports her pleadings in the plaint, and as the suit is at the stage of arguments, the defendant cannot question that the plaintiff has not filed suit against him.

4. Learned counsel for the petitioner sought to contend that the trial Court erred in dismissing the I.A., inasmuch as the signatures on the plaint are forged signatures and the signature

are not of the plaintiff's and the Court below ought to have sent her admitted signatures on Ex.B1 along with the signatures on the plaint for expert comparison.

5. Admittedly, the plaintiff was examined as PW1. She deposed to the contents and pleadings in the plaint and she categorically stated that she filed the suit against the defendant. As rightly observed by the Court below, the plaintiff, being an octogenarian might not properly recognize the signature due to loss of sight but the fact remains that she did not deny the pleadings in the plaint and the cross examination clearly supported the pleadings in the plaint and she also deposed that she filed the suit against the defendant. The suit is of the year 2006 and the suit is at the stage of arguments. The order under challenge is of the year 2011. When the suit is at the stage of arguments, more particularly when the plaintiff categorically stated that she filed the suit against the petitioner-defendant, the petitioner cannot take a plea that the signatures on the plaint are forged signatures and they should be sent for comparison with the admitted signature of the plaintiff on Ex.B1.

6. In that view of the matter, I see no reason to interfere with the impugned order.

7. Accordingly, the civil revision petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

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**JUSTICE G. CHANDRAIAH**

26<sup>th</sup> February, 2016

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