

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3403 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the Revision Petitioners/plaintiff Nos. 1 and 2, challenging the Order in I.A.No.737 of 2015 in O.S.No.530 of 2006 passed by III Additional District Judge, R.R. District at L.B.Nagar, whereby the Court allowed the application filed by the Defendant No.1 in O.S.No.530 of 2006 under Section 45 of Evidence to send the disputed signatures on Ex.A.4 dt.10.11.2004 for comparison with admitted signatures of the petitioner appearing on Vakalat and Written Statement filed in the suit and opinion.

As the petitioners before this Court reported no Counter, the III Additional District Judge passed the impugned Order directing the office to send Ex.A.4—Agreement of Sale, which contained the disputed signatures while directing the petitioner/Defendant No.1 to appear before the Court for collection of specimen signatures and thumb marks and furnish the documents containing the signatures of him in the year 2004 enabling the Court to send those documents to the expert for comparison and opinion.

Later, two Memos were filed on 07.04.2017 and 31.12.2017 by the counsel for petitioner in the Interlocutory Application informing that Ex.A.5—Original registered Sale Deed dt. 15.05.2004 contains his signatures, which are admitted and

pertains to contemporaneous period, and requested to send Ex.A.5 to the expert for comparison of disputed signatures with the admitted signatures.

Later Defendant No.1 filed another Memo on 31.12.2017 informed that Ex.A.5—Sale Deed dt. 15.05.2014 is only a Certified Copy and it does not contain the original signature of defendant No.1 and therefore, requested to send the registered Partnership deed dt. 06.08.2004, which bears the admitted signatures of him, but the Court did not pass any order except endorsing that the Memos recorded.

Now, the present revision is filed challenging the Order in I.A.No.737 of 2015 passed by III Additional District Judge though it was passed by consent. However, acting upon the Memos, the trial Court sent the Partnership Deed dt. 06.08.2004 without passing any judicial order on the Memos. But, in the Original Order, a direction was issued to the petitioner therein to submit the documents containing his signatures. Therefore, at this stage, it is difficult to disturb the Order passed by the trial Court since the Order was passed with consent of the parties. However, leaving it open to the petitioners/plaintiffs in the suit, to raise objections on the expert report, which is already filed before the trial Court, at the time of hearing.

With the above direction, this Civil Revision Petition is disposed of.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 16-06-2017.
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