

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.1956 of 2016

ORDER:

Heard both sides and perused the grounds of revision and the impugned docket order of the lower Court dated 03.02.2016 in I.A.No.259 of 2015, which is for the so called non-compliance with the docket order dated 13.11.2015. The docket order of the lower Court dated 13.11.2015 reads as follows:

“Heard both sides perused the record the plea of the petitioner defendants is that the suit promissory note is rank forged one. According to the pleadings of the both sides the issues were framed. For just recession of the case and in view of the plea of the defendant it is just and necessary for the expert opinion is necessary. As per the rulings of the Hon'ble High Court of A.P., when a signature was required to send for expert opinion it has to be compared pertaining to the same year. Hence the petition is allowed for comparison of the signature of the suit promissory note with the admitted signatures of defendant No.1, on any registered sale deed or bank account application forms or any other admitted signatures pertaining to the year 2010. Therefore, the petitioner/defendant is directed to produce the documents pertaining to the year 2010 on which her signatures were. For producing the documents pertaining to the year 2010, call on 04.12.2015.”

The docket order of the lower Court which is subject matter of impugment in continuation to the above dated 03.02.2016 reads as follows:

“Petitioner/defendant called absent. Documents not produced. Hence petition is dismissed.”

Merely because there is no contemporary relevancy of signatures, that is not the be all and end all for the Court to dismiss the petition, if the person who sought for comparison of

the disputed signature able to show any other admitted signatures with some contemporary relevancy before or after to the date, month and year of the disputed signature for comparison.

Having regard to the above and in the result, the revision is allowed in part by setting aside the dismissal orders and by restoring the same with the following directions; if at all there are any contemporary relevancy signatures not only of that year 2010, but one or 2 years prior or subsequent thereto, the lower Court shall permit the defendant/petitioner to produce the same (only original documents) before the lower Court within one week from the date of receipt of this order so as to proceed further and for any non-compliance of the above, the order of the lower Court holds good for all purposes without any further reference to this Court.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 28.12.2017

Note: Issue C.C. by 30.12.2017

(B/o)

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