

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.3466 of 2017

Date: 21.07.2017

Between:

Cheeli Subba Rao and another

... Petitioners

and

Sajja Nagashiromani

...Respondent

Counsel for the Petitioners: Mr.Y.V.Anil Kumar

Counsel for the respondent: None appeared

The Court made the following:



Order:

This Civil Revision Petition arises out of Order, dated 12.06.2017, in IA.No.209 of 2017 in OS.No.1 of 2016 on the file of the Principal Senior Civil Judge at Gajuwaka.

The respondent filed the afore-mentioned suit for recovery of money on the foot of Ex.A.1- promissory note. The petitioners filed a written statement denying the signatures thereon. Petitioner No.2 was examined as DW.1. During her cross-examination, she has denied the signature on Ex.A.1. At that stage, the petitioners filed IA.No.209 of 2017 for sending Ex.A.1 for comparison of the signatures thereon with their admitted signatures. This Application was dismissed by the lower Court on the ground that the admitted contemporaneous signatures of the petitioners were not available and that it is not safe to send the signatures subscribed in the vakalat or in the open Court after filing of the suit. For this proposition, the lower Court has relied upon the judgment of this Court in **M.Narsi Reddy Vs. Raghuram Naidu**.¹

On a careful consideration of the reason assigned by the lower Court, I do not find any illegality or jurisdictional error in

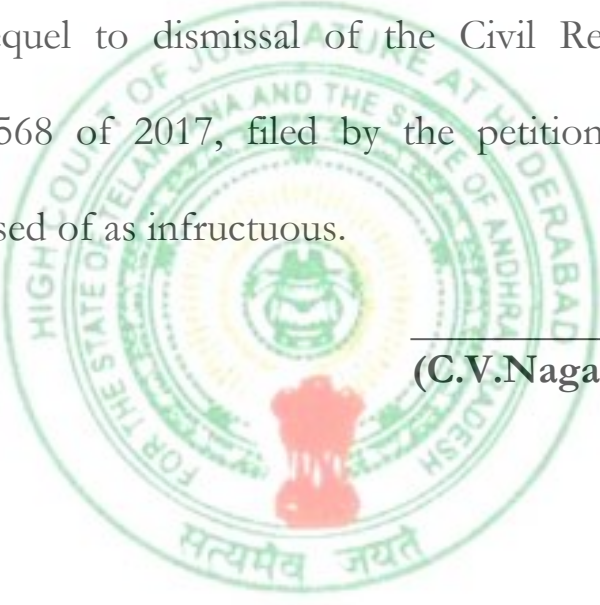
¹ 2015 (2) ALT 529

the order passed by it. As held in **M.Narsi Reddy** (cited supra), if signatures contemporaneous to that of the disputed document are not available, there is a possibility of the party deliberately changing the pattern of signature after the litigation has commenced. Therefore, the order passed by the Court below does not call for any interference of this Court.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.4568 of 2017, filed by the petitioners for interim relief, is disposed of as infructuous.

Dt: 21st July, 2017
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(C.V.Nagarjuna Reddy, J)