

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.2500 of 2011

Date: 12.10.2017

Between:

Saripalli Naga Venkata Siva Kumar Raju,
s/o late Rama Krishnam Raju, Aged about 35 years,
R/o. 11-108, Katta Subbarao Street,
Gavaravaram, Eluru and others.

.....Petitioners

and

Mandalaparthi Venkata Subba Rao, s/o.Gangaraju,
Aged 75 years, R/o D.No.2-60, Mandalaparru,
Tadepalligudem and another.

.....Respondents



The Court made the following:

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ORDER:

Heard Sri A.S.C.Bose, learned counsel for petitioner and Sri K.Venkata Siva Prasad, learned counsel for respondent No.1.

2. Petitioners are the defendants. Petitioners filed I.A.No.504 of 2010 on the file of Senior Civil Judge, Tadepalligudem, praying to send suit pronote dated 12.02.2003 and other promissory note dated 01.02.2002 to the Government Handwriting Expert for comparison of the disputed signature on the disputed pronote with admitted signatures and other comparative material and to give the opinion. On elaborate consideration of the submissions on either side, the said I.A. was dismissed. The trial Court observed that to send the document for expert opinion under Section 45 of the Indian Evidence Act, there must be some admitted signatures to compare the signatures and no such material is placed on record to enable the expert to compare the signatures. Learned trial Court observed that the borrower Sri Saripalli Rama Krishnam Raju died much before the institution of the suit and in those peculiar circumstances, the plea of the petitioners has not accepted and the said I.A. was dismissed.

3. Learned counsel representing the respondents also informs the Court that plaintiff in the suit died during the pendency of the suit.

4. Having regard to the facts of this case, I do not see any error in the decision of the trial Court warranting interference, in

exercise of revisional jurisdiction/supervisory jurisdiction by this Court. Civil Revision Petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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