

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.1825 OF 2017

O R D E R :

The Civil Revision Petition is filed against the order dated 30.01.2017 passed in IA.No.810 of 2016 in OS.No.38 of 2009, wherein the Court below dismissed the application filed by the petitioner/plaintiff seeking to send the signature of the defendant to the hand writing expert for opinion.

Learned counsel for the petitioner/plaintiff submits that as the defendant denied his signature on the document executed by him in favour of vendor of the petitioner, in his cross examination, the petitioner filed IA.No.810/2016 for sending the said document to the handwriting expert for opinion. Though the affidavit is not very specific, the trial Court could have considered the said aspect and allowed the said application. He also submits that the defendant denied his signature in his deposition on 20.10.2016, as such, the petitioner filed the IA. He also relied on the Judgment of Supreme Court in ***Damara Venkata Murali Krishna Rao v. Gurujupalli Satvathamma***¹ and the Judgment of this Court in ***Jalagadugula Eswara Rao and others v. Davala Surya Rao***².

On the other hand learned counsel for the respondent/defendant submits that the affidavit is very vague and it is not mentioned in the affidavit as to which document has to be sent to the hand writing expert for comparison. He also submits that even the so-called document stated to have been executed by the

¹ 2008 (72) ALR 781

² AIR 2011 AP 78

defendant in favour of vendor of the petitioner is also not marked, as such, question of sending the said document to the hand writing expert does not arise.

In this case it is to be seen that the assertion that the document executed by the defendant in favour of the vendor of the petitioner is denied. Admittedly, the said document which was intended to be sent for expert opinion was not marked in evidence. When the document is not marked in evidence, no useful purpose would be served in sending the document for expert opinion under Section 45 of the Evidence Act. Apart from that as observed by the trial Court, the affidavit filed by the petitioner in support of his application was also very vague. It is also to be seen that the defendant filed written statement in the suit, long back, denying the execution of the document in favour of the vendor of the petitioner. The Judgments relied on by the learned counsel for the petitioner has no application to the facts of the present case.

In view of the aforesaid facts and circumstances, I do not see any reason to entertain the revision. Accordingly, the CRP is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the CRP, shall stand closed.

A.RAJASHEKER REDDY, J

14.07.2017

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