

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE
OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

CIVIL REVISION PETITION No. 1226 OF 2017

Between:

Pabolu Prameela Rani ... Petitioner

AND

Bogi Prasanthi and another ... Respondents

Date of Order Pronounced : 10-03-2017

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

1. Whether Reporters of Local newspapers
may be allowed to see the order? Yes/No
2. Whether the copy of order may
be marked to Law Reporters/Journals? Yes/No
3. Whether his Lordship wishes to see the
fair copy of the order? Yes/No

C.V.NAGARJUNA REDDY, J.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY*+CIVIL REVISION PETITION No. 1226 OF 2017****%Dated: 10-03-2017**

#Pabolu Prameela Rani, W/o Anjaneyulu,

30 years, R/o D.No. 12-21-5/1,

Seetanagaram, Gajuwaka,

Visakhapatnam

... Petitioner

VERSUS

\$Bogi Prasanthi, W/o Srinivasa,

33 years, R/o D.No. 9-7-11,

High School Road, Gajuwaka,

Visakhapatnam, and another

... Respondents

!Counsel for the petitioner : Smt. B.V.Aparna Lakshmi**^Counsel for the respondents : --**

<GIST :

>HEAD NOTE :

?Cases referred :

ORDER:

This civil revision petition arises out of order dated 06-01-2017 in I.A.No. 713 of 2016 in O.S.No. 46 of 2016 on the file of the Court of Junior Civil Judge, Gajuwaka (for short, 'the Court below').

2. I have heard Smt. B.V.Aparna Lakshmi, learned counsel for the petitioner, and perused the record.

3. The petitioner filed the aforementioned suit for permanent injunction restraining the respondents from alienating plaint C schedule property to third parties without offering the same to her at the first instance as per the pre-emption clause in agreement dated 08-11-2013 allegedly entered between herself and the respondents. The respondents filed a written statement, wherein it is *inter alia* averred that they have not entered into any agreement much less agreement dated 08-11-2013 and the said agreement is a fabricated document with an intention to grab the property. It is further alleged that the petitioner might have created the said document with forged signatures of the respondents. It is further stated that the respondents are ready to send the alleged agreement to handwriting expert. As pleaded by them in the written statement, the respondents have filed I.A.No. 713 of 2016 under Section 45 of the Indian Evidence Act, 1872 (for short, 'the Act'), read with Section 151 of the Code of Civil Procedure for sending the alleged suit agreement to handwriting expert for comparison of their admitted signatures with that contained on the suit document. The petitioner filed a counter affidavit opposing the said application. However, by the order under revision the Court below has allowed the I.A.

4. During hearing when a query is put to the learned counsel for the petitioner as to how her client is prejudiced against the order of the Court below, she has failed to give satisfactory reply except stating that the process of

obtaining expert's opinion will consume substantial time. I am wholly unconvinced with this reply because as the very basis on which the petitioner has made her claim was the suit agreement and the respondents are seriously disputing its genuineness, it is in the petitioner's own interest to obtain an expert's opinion on the suit agreement so that if she has a genuine case, she will succeed on expert's opinion. In other words, the job which the petitioner was expected to undertake is being carried out by the respondents. When the genuineness of a document is in serious dispute, it is desirable that such document is examined by an expert and an opinion given thereon to aid the Court to come to a right conclusion. Though Section 73 of the Act vests power in the Court to compare the disputed signatures or writings, the preponderance of judicial opinion is to the effect that it is always desirable to seek an expert's opinion though eventually the opinion of the Court which is final. In the light of the above discussion, I do not find any jurisdictional error in the order of the Court below in allowing the I.A. filed by the respondents. However, in the light of the apprehension expressed by learned counsel for the petitioner that the suit may be delayed in the process of obtaining expert's opinion, she can move the Court below for expediting the process of obtaining expert's opinion.

5. Subject to the liberty given to the petitioner above, the civil revision petition is dismissed.

6. As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No. 1641 of 2017 shall stand dismissed as infructuous.

Date: 10-03-2017.

Note: L.R. copies to be marked.

JSK

C.V.NAGARJUNA REDDY, J.