

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

CIVIL REVISION PETITION NOs.5947 AND 5956 OF 2017

DATED:03-11-2017

Between:

Doddi Jagadeesh ... Petitioner

And

Doddi Saraswathamma  
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. K.V. Simhadri

COUNSEL FOR THE RESPONDENTS:-



THE COURT MADE THE FOLLOWING:

COMMON ORDER:

These two civil revision petitions arise out of the same suit filed by the petitioner. After the evidence was closed on 06.10.2017, the petitioner filed I.A. No.1251 of 2017 for reopening the suit for the purpose of sending the disputed signatures of defendant No.1 on Ex.A.4 to handwriting expert and I.A. No.1289 of 2017 is filed for sending Ex.A.4 to handwriting expert. Both these applications having been dismissed by the lower Court, the unsuccessful applicant/plaintiff filed these two civil revision petitions.

Mr. K.V. Simhadri, learned counsel for the petitioner, strenuously contended that the Court below has dismissed the applications on the ground that the same are belated, ignoring the fact that it is only on 04.10.2017 that respondent No.1/defendant No.1 has denied her signatures on Ex.A.4.

A perusal of the record shows that in paragraph III(g) of the plaint the petitioner specifically referred to Ex.A.4 letter dt.28.10.2009 allegedly written by respondent No.1. Respondent No.1 filed the written statement as far back as 11.7.2011. In unnumbered paragraph 3 of page 2 of the written statement, she made a denial of the allegations in paragraph III(g) of the plaint, including her addressing Ex.A.4 letter

dt.28.10.2009. The petitioner has not taken any steps for sending the said disputed letter to handwriting expert till after completion of evidence on 06.10.2017. Having not been vigilant for more than six years, the petitioner cannot be permitted to seek reopening of the evidence only on the ground that a specific denial was made for the first time by respondent No.1/defendant No.1 on 04.10.2017 during the course of her evidence.

On the above facts and circumstances of the case, the lower Court has rightly dismissed the applications. Hence, I do not find any jurisdictional error in the impugned order. The civil revision petitions are accordingly dismissed. It is however made clear that the lower Court shall compare the admitted signatures with the disputed signatures of respondent No.1 under Section 73 of the Indian Evidence Act, 1872, while adjudicating the suit.

As a sequel to dismissal of the civil revision petitions, C.R.P.M.P. Nos.7686 and 7696 of 2017 filed in the respective revision petitions shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

03-11-2017

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