

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.1781 of 2018

ORDER: (ORAL)

Vide the present petition, petitioner has challenged order dated 15.12.2017 passed in I.A.No.728 of 2017 in O.S.No.376 of 2012 on the file of the Addl. Senior Civil Judge, Narasaraopet, whereby the petition filed by the respondent/plaintiff under Order XXVI Rule 10A and Section 151 of CPC has been allowed.

Learned counsel appearing on behalf of the petitioner submits that respondent/plaintiff put a burden on the expert to give opinion on the signatures of the petitioner in Telugu on registered sale deed dated 27.09.2005, without proving the same by way of independent evidence. He further submits that, in the written statement filed in the suit, it is specifically stated that petitioner has not signed in Telugu on the sale deed dated 27.09.2005, therefore, petitioner has not executed sale deed dated 27.09.2005.

Admittedly, signatures on the sale deed dated 27.09.2005 are in Telugu, which has been denied by the petitioner. In the circumstances, the trial Court directed the petitioner to appear before it for giving his specimen signatures, by recording a finding that as the petitioner denied the execution of the said sale deed, burden lies on him to establish the same.

In that view of the matter, I find no illegality or perversity in the order dated 15.12.2017 passed by the trial Court.

Civil revision petition is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous applications, if any pending, stand closed.

SURESH KUMAR KAIT, J

April 6, 2018
MRR