

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.3082 of 2018

ORDER:

This Civil Revision Petition is filed against order dated 17.04.2018 in I.A.No.65 of 2018 in OS No.212 of 2012 on the file of IV Addl.District Judge, Tirupati, wherein and whereby the application filed under Section 45 of Evidence Act r/w Section 151 of CPC for sending Exs.A1 and A2 to Hand Writing and Finger Prints Experts for comparison and opinion along with that of admitted signatures was dismissed.

Learned counsel for the petitioners submits that though the signatures of the 2nd defendant are found in the building permission plan dated 03.04.2008, the Court below without considering the said aspect dismissed the application.

In this case, it is to be seen that even according to the contention of the learned counsel for the petitioner, Exs.A1 and A2 dated 19.11.2009 and 23.12.2009 are signed by both the defendants i.e., revision petitioner and the 2nd respondent herein. The Court below in paragraph 11 gave finding regarding building plan dated 03.04.2018 and came to the conclusion that there are no admitted signatures of the defendants in the suit for sending the disputed documents for comparison. The Court below also observed that the evidence of expert is not a substantive evidence, as such, when there are no admitted signatures of the defendants, it is not proper to send Exs.A1 and A2 to the Hand Writing Expert for comparison and opinion.

When there are no admitted signatures, the question of sending disputed signatures to handwriting expert may not arise. The Court below after considering pleas of both parties came to conclusion that there are no admitted signatures. The petitioner is 2nd defendant and the burden of proof lies on the 1st respondent/plaintiff since he is relying on Exs.A1 and A2. Hence, I do not see any reason to entertain the Revision Petition.

In view of above facts and circumstances, I do not see any error or illegality in the order passed by the Court below warranting interference under Article 227 of the Constitution. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand dismissed.

26.10.2018
kvs

A.RAJASHEKER REDDY,J



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date: 26.10.2018

kvs

