

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.3471 of 2018

ORDER:

This Revision has been filed challenging the order dt.06-04-2018 in I.A.No.640 of 2017 in O.S.No.217 of 2010 of the Principal Senior Civil Judge, Chittoor.

2. The petitioner is 2nd defendant in the suit. The 1st respondent filed the suit against petitioner for specific performance of an agreement of sale dt.31-08-2009.

3. Petitioner filed a counter-suit O.S.No.377 of 2013 for declaration of his title relying on a sale deed dt.16-01-2010 executed by the 1st defendant in his favour.

4. Petitioner filed I.A.No.640 of 2017 to send the agreement of sale dt.31-08-2009 to the Handwriting Expert for comparison of the signature of the 1st defendant with the signature of 1st defendant which is available on an agreement of sale dt.11-08-2008 and registered sale deed dt.16-01-2010.

5. Counter was filed by plaintiff stating that he did not admit that 1st defendant executed any of the three documents.

6. Since petitioner did not file contemporaneous signatures of the 1st defendant, the Court below dismissed said I.A.

7. Assailing the same, this Revision is filed.

8. Learned counsel for petitioner contended that only agreement of sale dt.11-08-2008 and sale deed dt.16-01-2010 are available with him, which contain the signature of the 1st defendant and therefore only those two documents should have been sent along with the document dt.31-08-2009 containing the disputed signature of the 1st defendant for comparison.

9. I am unable to accede to the said contention for the reason that the comparison of disputed signature can only be made with an admitted signature. Such comparison cannot be made with another disputed signature.

10. Therefore, I see no error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

11. Accordingly, the Civil Revision Petition fails and it is dismissed at the stage of admission. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-07-2018

Vsv