

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION Nos.6035 and 6039 of 2017

COMMON ORDER:

Heard Mr.K.Venumadhav for petitioner and Mr.Ravi Kiran Rao for respondents.

The Civil Revision Petitions are directed against the orders dated 03.08.2017 in I.A.Nos.545 and 546 of 2017.

The defendant in O.S.No.19 of 2012 is the revision petitioner. The respondents filed the said suit for partition and separate possession of plaint schedule properties. One of the pleas taken by the revision petitioner herein is that there was past partition and the present suit is not maintainable; also that the parties are in enjoyment of respective allotments. The respondents herein dispute past partition. The revision petitioner filed I.A.No.545 of 2017 to send family settlement dated 14.01.1996 and notarized affidavit of Vemula Rajanna for the opinion of an expert for comparison of signatures of Vemula Rajanna. I.A.No.546 of 2017 is filed to summon the Notarized affidavit of Vemula Rajanna from the office of Commissioner, Korutla Municipality in File No.4647/A/1993 for comparison of signature of Vemula Rajanna with family settlement deed dated 14.01.1996. The learned trial Judge rejected both the prayers. Hence, the Civil Revision Petitions.

The reasons assigned by the trial Court either for summoning the record from the office of Commissioner, Korutla

Municipality in File No.4647/A/1993 or sending the settlement deed dated 14.01.1996 and the notarized affidavit of late Rajanna are *prima facie* not convincing.

Mr.Ravi Kiran Rao realizing the difficulty in sustaining the order has made alternative submission to this Court, i.e. this Court ought not on its own direct summoning File No.4647/A/1993 from the office of Commissioner, Korutla Municipality and send the document for the opinion of an expert. According to him, the respondents herein firstly are not admitting the signatures in settlement deed, dated 14.01.1996 and also the notarized affidavit. Assuming that signatures of late Vemula Rajanna in Settlement Deed dated 14.01.1996 ought to be compared, the comparison must be with admitted and undisputed signatures of contemporary period. It is further brought to the notice of the Court that late Rajanna worked as Deputy Engineer and contemporaneous signatures can be obtained when he was in service and/or from the sale deed executed by late Rajanna on 08.02.1993. Therefore, he prays for remanding the matter to the trial Court.

In view of the above limited submissions, I am satisfied the orders under revision are set aside. I.A.Nos.545 and 546 of 2017 are restored to file and the trial Court is directed to pass orders in accordance with law, on the prayers made in I.A.Nos.545 and 546 of 2017 and also on the objection the respondents herein

raised on the contemporaneous documents. If needed, the respondents can by way of Memo place the details of admitted signatures of late Rajanna for consideration of learned trial Judge.

The Civil Revision Petitions are ordered accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 07-03-2018
Prv

S. V. BHATT, J



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