

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.108 of 2019

ORDER :

This Civil Revision Petition is filed by petitioner challenging the order dt.12.11.2018 passed in I.A.No.116 of 2018 in O.S.No.132 of 2008 on the file of Principal Junior Civil Judge, Ibrahimpatnam, Ranga Reddy District.

2. The petitioner herein is 2nd defendant in the above suit.
3. The respondent herein filed the said suit initially against petitioner's father, viz., Sri Pentaiah, for specific performance of an agreement-of-sale dt.06.11.1992, which later was reduced into an unregistered sale deed dt.30.05.2003, but had not been registered by the 1st defendant, Sri Pentaiah.
4. Pending suit, the said Pentaiah died in 2011, and petitioner was impleaded as 2nd defendant in the suit and as legal representative of the deceased-Pentaiah.
5. The petitioner then filed I.A.No.116 of 2018 to send : (1) Ex.A.1, the original agreement-of-sale executed by his father Pentaiah, (2) Ex.A.2-original receipt executed by Pentaiah; and (3) Ex.A.5-unregistered sale deed prepared on stamp paper under Section 45 of the Indian Evidence Act, 1872, to a fingerprint expert to compare the thumb impression of the deceased-Pentaiah on the said documents with the one found in the *Vakalatnama*.

6. The Court below rejected the said application stating that in the written statement filed by the petitioner he had clearly admitted that the respondent had obtained signatures of the deceased-1st respondent (Sri Pentaiah) by promising that he would provide crop loan from the Agricultural Co-operative Bank; and therefore, this indicated that the petitioner admitted the signature of his father, viz., Sri Pentaiah / 1st defendant, on the above documents; and therefore, there is no need to send these documents to the forensic laboratory.

7. Assailing the same, the present Civil Revision Petition is filed.

8. The counsel for petitioner contended that the Court below erred in not considering the application filed by the petitioner under Section 45 of the Indian Evidence Act and it ought to have sent those documents to a fingerprint expert; and that the Court below ought to have accepted the petitioner's plea that the signatures / thumb impression of the deceased 1st defendant was obtained by the respondent on some papers by promising that he would provide crop loan from the Agricultural Co-operative Bank.

9. As pointed out by the Court below in the Written Statement filed by petitioner, the petitioner did admit that the respondent promised the deceased 1st defendant that he will provide crop loan from the Agricultural Co-operative Bank and obtained some signatures of the deceased-1st defendant, and in collusion with the attesting witnesses, the respondent created and fabricated the draft

unregistered sale deed dt.30.05.2003. This plea of petitioner itself indicates that the signature on the above documents of the deceased-1st defendant is admitted by him. Therefore, no purpose would be served by sending them to handwriting expert or even to fingerprint expert.

10. I therefore do not find any 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. No order as to costs.

12. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29.01.2019

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