

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

CRP.No.235 of 2019

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.18.09.2018 in I.A.No.1160 of 2018 in O.S.No.1228 of 2015 of the Principal District Judge, Ranga Reddy District at L.B.Nagar.

2. Petitioner is defendant in the above suit.
3. Respondent filed the said suit for specific performance of an Agreement of Sale dt.20.08.2014 allegedly executed by the petitioner in his favour.
4. Petitioner filed written statement stating that she has no acquaintance with the petitioner and that the Agreement of Sale is a forged and fabricated one.
5. Pending the suit, respondent filed I.A.No.1160 of 2018 to send the Agreement of sale and a Receipt dt.20.08.2014, which are Exs.A1 and A2, to a Hand Writing Expert to compare the signatures thereon with the admitted signatures of DWs.1 & 2.
6. Counter affidavit was filed by the petitioner stating that the application is not maintainable on the ground of delay;

that expert's opinion is weak evidence and therefore petition should be dismissed.

7. By order dt.18.09.2018 the Court below allowed the said application and directed comparison of the signatures on Exs.A1 and A2 with those on the written statement and vakalat and specimen signatures taken in the open Court.

8. Assailing the same this Revision is filed.

9. Though counsel for the petitioner sought to contend that this order is erroneous, having regard to the plea taken by the petitioner, petitioner cannot avoid comparison of signatures on Exs.A1 and A2 with the admitted signatures of the petitioner.

10. However, taking the signatures on the written statement and vakalat of the petitioner or taking specimen signatures in the open Court for comparison may cause a problem because it is possible that the petitioner might disguise her signature.

11. Therefore, the petitioner/DW1 and DW2 are directed to produce documents prior to the suit such as specimen signatures in any bank account of DWs.1 and 2 for comparison of signatures of DWs 1 and 2 or any documents executed by them prior to the filing of the suit and which are

registered under the Registration Act, 1908. If not, the disputed signatures cannot be sent to the handwriting expert.

12. Accordingly, the Civil Revision Petition is disposed of; the order dt.18.09.2018 in I.A.No.1160 of 2018 in O.S.No.1228 of 2015 of the Principal District Judge, Ranga Reddy District at L.B.Nagar is modified as above. No order as to costs.

13. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

30th April, 2019.

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