

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.321 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant, challenging the order, dated 24.11.2017, passed in I.A.No.606 of 2017 in O.S.No.1283 of 2012, by the VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, whereby, the petition filed by the revision petitioner/defendant under Sections 45 and 73 of the Indian Evidence Act, 1872, to take his signatures in the open Court and send the same to the handwriting expert to compare the admitted signature on Ex.A.1 with the disputed signature on Ex.A.1(a) and to direct P.W.2-Mr.Venkat Reddy to scribe the contents of the suit promissory note and endorsement before the Court and send the same to the handwriting expert for comparison as to whether it was written by one and the same person or not, was dismissed.

2. Heard the learned counsel for both the sides and perused the record.

3. The learned counsel for the revision petitioner/defendant would contend that the revision petitioner/defendant had admitted his signature on Ex.A.1, but denied his signature on Ex.A.1(a). It is also contended that the signature of the revision petitioner/defendant be taken in the open Court and

be sent to the handwriting expert for comparison, along with the documents, and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. On the other hand, the learned counsel for the respondent/plaintiff supported the impugned order and contended that the Court below rightly dismissed the subject Interlocutory Application, assigning valid reasons. There is nothing to take a different view and ultimately prayed to dismiss the Civil Revision Petition.

5. It is relevant to state that the revision petitioner/defendant had already admitted his signature on Ex.A.1, which is on record. He is disputing his signature on Ex.A.1(a). Therefore, there is no necessity to take his signature in the open Court again and send the same to the handwriting expert for comparison with the disputed signature. P.W.2-Mr.Venkat Reddy is said to be the scribe of Ex.A.1 and Ex.A.1(a). The revision petitioner/defendant wanted to take the handwriting of P.W.2 in the open Court and send the same to the handwriting expert along with Ex.A.1 and Ex.A.1(a), for examination and report. Under these circumstances, the material question is whether the signature on Ex.A.1(a) is of the revision petitioner/defendant or not.

6. Having argued for some time, the learned counsel for the revision petitioner/defendant had fairly conceded that if

the admitted signature of the revision petitioner/defendant on Ex.A.1 and the disputed signature on Ex.A.1(a) are sent to the handwriting expert for examination and report, that would meet the ends of justice. Anyhow, for adjudication of the subject suit for recovery of money, Ex.A.1 and Ex.A.1(a) are the material documents. Hence, the crucial question that falls for consideration is whether the signature on Ex.A.1(a) is of the revision petitioner/defendant or not. To come to a just conclusion and for determination of the controversy in the subject suit, it is essential and in the interest of justice to send the admitted signature of the revision petitioner/defendant on Ex.A.1 and the disputed signature on Ex.A.1(a) to the handwriting expert for examination and report. The Court below ought to have partly allowed the subject interlocutory application, as indicated above.

7. Under these circumstances, the impugned order, dated 24.11.2017, passed in I.A.No.606 of 2017 in O.S.No.1283 of 2012, by the VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, is set aside. The subject interlocutory application in I.A.No.606 of 2017 stands allowed in part, directing the Court below to send the admitted signature of the revision petitioner/defendant on Ex.A.1 and his disputed signature on Ex.A.1(a) to the handwriting expert for examination and report. On receipt of the report from the handwriting expert, the Court below is directed to dispose of the subject suit in O.S.No.1283 of 2012, expeditiously.

8. The Civil Revision Petition is, accordingly, allowed in part. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

08th November, 2019
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