

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**CIVIL REVISION PETITION Nos.2325 & 2327 of 2019**

**COMMON ORDER:**

Since both the Civil Revision Petitions arise out of a common order, they are being disposed of by this common order.

2. These Civil Revision Petitions are directed against the orders dated 14.08.2019 in I.A.Nos.138 and 137 of 2019 in O.S.No.17 of 2014, respectively, on the file of the Court of VI Additional District Judge at Siddipet (for short, Court below). For the sake of convenience, the parties are referred to as they are arrayed in O.S.No.17 of 2014.

3. The brief facts of the case are that the plaintiffs filed O.S.No.17 of 2014 against the defendants before the Court below for specific performance of an agreement of sale dated 24.11.2011. When defendant No.1, in his cross-examination, denied his signature on Ex.A.1 and also signatures of other defendants, the plaintiffs filed I.A.No.138 of 2019 under Order XVI Rule 6 read with Section 151 CPC to summon defendant Nos.3 to 5 to produce original of Ex.A.8 and I.A.No.137 of 2019 under Section 45 of the Indian Evidence Act to send Ex.A.1 along with original of Ex.A.8 and Vakalat of defendant No.2 to the Forensic Science Laboratory, Red Hills, Hyderabad, for expert opinion for comparison of signatures of defendant No.2 available on Ex.A.1 and Vakalath.

4. The Court below, by separate orders dated 14.08.2019, dismissed the said IAs on the ground that when defendant No.1 admitted that he signed on the agreement (Ex.A.1), no useful purpose would be served if the same is sent for comparison and that the petitions were filed at a belated stage, after adducing the entire evidence of both sides. Challenging the same, the petitioners filed these Civil Revision Petitions.

5. Sri Krishna Murthy Devarakonda, learned counsel for the petitioners/plaintiffs, submits that defendant No.1, in his cross-examination, willfully and deliberately denied his signature on Ex.A.1 and also signatures of other defendants and that if Ex.A.1 and original of Ex.A.8 and Vakalat of defendant No.2 are sent to the Forensic Science Laboratory, Hyderabad, the truth would come out and the same would help the Court below in deciding the issue involved in the suit.

6. Sri V.Satyam Reddy, counsel representing M.Kiran Reddy, learned counsel for the respondents/defendants, submits that the petitioners filed the above IAs after completion of evidence of both sides only to drag the proceedings and that the petition for expert opinion cannot be considered at this point of time and hence, the Court below is right in dismissing the said IAs and prays to dismiss the present Civil Revision Petitions.

7. It is a settled principle of law that a party to the suit, who seeks to send a disputed document to the Expert for comparison of

the signature thereon, shall file contemporary authenticated documents containing the signature of that person. In the instant case, when respondent No.1 denied his signature on Ex.A.1, the petitioners filed above IAs seeking to send Ex.A.1-agreement of sale along with Ex.A.8-registreed sale deed, and Vakalat of respondent No.2 for expert opinion by comparing the disputed signatures on Ex.A.1 with the admitted signatures on Ex.A.8 and Vakalat of respondent No.2.

8. Though the learned counsel for the respondents submits that the present IAs were filed only to drag on the proceedings, the same cannot be accepted for the reason that the cause of action arose for the petitioners to file the IAs when respondent No.1 denied his signature on Ex.A.1 in his cross examination. In the circumstances, it can be said that there was no cause of action for the petitioners to file the IAs prior to denial of signature by respondent No.1. It is to be noted that mere filing of applications at a subsequent stage cannot be construed that the party is playing delay tactics to drag on the proceedings, that too, when they were filed by the plaintiff.

9. The Court below, dismissed the IAs on the grounds that when defendant No.1 admitted his signature on Ex.A.1, no useful purpose would be served if the same is sent for comparison and that the IAs were filed at a belated stage, after adducing the entire evidence of both sides. But, the Court below did not take into consideration the fact that the cause action arose for the

petitioners to file the IAs when respondent No.1 denied his signature on Ex.A.1 in his cross examination. In the circumstances, in order to give an opportunity to both sides, this Court feels that it is just and necessary to allow the said IAs.

10. In the circumstances, these Civil Revision Petitions are allowed; orders dated 14.08.2019 in I.A.Nos.138 and 137 of 2019 in O.S.No.17 of 2014 of the VI Additional District Judge at Siddipet are set aside; and I.A.Nos.138 and 137 of 2019 are allowed. The Court below is directed to send Ex.A.1 along with original of Ex.A.8 and Vakalat of respondent No.2 to the Forensic Science Laboratory, Hyderabad, for expert opinion by comparing the signatures available on Ex.A.1 with admitted signatures on Ex.A.8 and Vakalat of respondent No.2. No costs. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

Date: 20.02.2020  
TJMR

**T.AMARNATH GOUD, J**