

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION NO: 171 OF 2021

Petition under Article 227 of Constitution of India aggrieved by the order dated 15.02.2020 in I.A.No.324 of 2019 in O.S. No.60 of 2014 on the file of the Court of the Senior Civil Judge, Suryapet.

Between:

Pasala Ruben, S/o Arogyalah, Aged about 52 years, Occ: RTC Conductor,
R/o. Gundlapally Village, Yadagirigutta Mandal, Yadadri-Bhongiri District

...PETITIONER(S) / PETITIONER
DEFENDANT

AND

Bandanadam Arogyam, S/o Chinnaiah, Aged about 50 years, Occ: Agrl,
R/o. Thirumalgiri Village and Mandal, Nalgonda District

...RESPONDENTS / RESPONDENT
PLAINTIFF

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to STAY of all further proceedings in the suit in O.S.No.60 of 2014 on the file of Hon'ble Senior Civil Judge at Suryapet, pending disposal of CRP.

Counsel for the Petitioner: SRI. RAPOLU BHASKAR FOR

SRI. J. ASHVINI KUMAR

Counsel for the Respondent: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.171 of 2021

ORDER:

This Civil Revision Petition, Under Article 227 of the Constitution of India, is filed by the petitioner/defendant, challenging the order, dated 15.12.2020, passed in I.A.No.324 of 2019 in O.S.No.60 of 2014 by the Senior Civil Judge at Suryapet, whereby, the subject interlocutory application filed by the petitioner/defendant under Section 45 of Indian Evidence Act to send Ex.A.1-original promissory note along with the admitted signatures of the petitioner/defendant to the handwriting expert for comparison and report, was dismissed.

2. Heard the learned counsel for the petitioner/defendant and perused the record. In spite of service of notice, there is no representation for the sole respondent/plaintiff.

3. The learned counsel for the petitioner/defendant would submit that comparison of signatures of the petitioner/defendant on Ex.A.1 promissory note and his admitted signatures is necessary to reach at a just conclusion. The Court below erroneously dismissed the subject interlocutory application without there being any justification. The petitioner/defendant had denied his signature on Ex.A.1 promissory note by filing written statement. Though there is sufficient and justifiable cause to allow the subject interlocutory application as prayed for, the Court below erroneously dismissed the same and

ultimately prayed to allow the Civil Revision Petition as prayed for.

4. As seen from the material placed on record, Ex.A.1 promissory note is said to have been executed on 09.12.2012 by the petitioner/defendant in favour of the respondent/plaintiff. The Original Suit in O.S.No.60 of 2014 was filed in the year 2014 and issues were framed in the year 2017. Plaintiff's side evidence was completed on 07.06.2018 and the defendant's counsel reported no further evidence on 15.03.2019 and as such, the trial of the suit concluded and the matter was posted for arguments. At this stage, the petitioner/defendant has filed the subject interlocutory application to send Ex.A.1 promissory note along with his admitted signatures to the handwriting expert for comparison and report. There is no proper explanation from the petitioner/defendant for not filing the subject interlocutory application at an earlier point of time. The Court below, while determining the subject interlocutory application, observed that the petitioner/defendant was not diligent and the subject interlocutory application was filed belatedly. Further, the Court below relied on a judgment reported in **T.Venkatswamy Vs. Agiru Pullaiah** {2012 (6) ALD 520}, wherein, it was held that naturally, delay in filing an application for expert opinion is a good ground for rejection of the same, unless the delay is properly explained. This Court does not find any fault in the findings recorded by the Court below. Further, the Court below contemplated to examine the disputed signature under Section 73 of the Evidence Act. It is

culled out from the record that the subject interlocutory application was filed belatedly, particularly when the subject suit is coming up for arguments before the Court below. Under these circumstances, there is nothing to interfere with the order under challenge. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. No costs.

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

//TRUE COPY//

SD/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Senior Civil Judge, Surypet, Nalgonda District.
2. One CC to Sri. J.Ashvini Kumar, Advocate [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:26/02/2021



ORDER

CRP.No.171 of 2021

DISMISSING THE CRP
WITHOUT COSTS.

PKK
10/03
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