

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

**TUESDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

CIVIL REVISION PETITION NO: 1432 OF 2023

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the above Civil Revision Petition by setting-aside the Order and Decree dated 20-04-2023 in I.A. No. 03 of 2023 in O.S.No.256 of 2017 on the file of Honble I Addl. Senior Civil Judge, at Kothagudem.

Between:

Puttagunta Sudhakar, (wrongly shown as Puggagunta Sudhkar) S/o. Visweshwar Rao, Aged about 67 years, Occ. Retired Employee, R/o H.No.20-1-6, Harithapuri Colony, Paloncha Town and Mandal, Bhadradi Kothagudem District.

...PETITIONER

AND

Singhu Upendhar Rao, S/o. Jaggaiah, Aged about 45 years, Occ. Legal Reporter/ Advocate, R/o. H.No.20-1-7, Harithapuri Colony, Paloncha Town and Mandal, Bhadradi Kothagudem District.

...RESPONDENT

IA NO: 2 OF 2023

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 all further proceedings in O.S.No.256 of 2017 on the file of Honble I Addl. Senior Civil Judge, at Kothagudem, pending disposal of the above C.R.P

Counsel for the Petitioner(s): SRI. V SATYAM REDDY

Counsel for the Respondents: P VENKANNA

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SARATH
CIVIL REVISION PETITION No. 1432 of 2023

ORDER:

This Civil Revision Petition is filed aggrieved by the order and decree dated 20.04.2023 in I.A.No.03 of 2023 in O.S.No.256 of 2017 on the file of I Additional Senior Civil Judge, at Kothagudem.

2. Heard learned counsel for the petitioner and learned counsel for the respondent.

3. The learned counsel for the petitioner submits that the respondent herein has filed suit in O.S.No.256 of 2017 for Specific Performance of contract against the petitioner/defendant under Sale Deed dated 07.07.2017. Later the respondent herein filed I.A.No.3 of 2023 in O.S.No.256 of 2017 on the file of I Additional Senior Civil Judge, at Kothagudem under Section 45 of the Indian Evidence Act with a prayer to send petition schedule document along with admitted documents to Hand Writing Expert for comparison. But the Court below has allowed the I.A.No.03 of 2023 on 20.04.2023 and the same is impugned in the present civil revision petition.

4. Learned counsel for the petitioner further submits that the Court below failed to consider that the hand writing expert is

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not a conclusive proof on the ground that I.A. is filed after completion of evidence in the suit and also stated that the Court below erred in passing the cryptic order without discussing the contents of the Counter affidavit filed by the petitioner herein in the I.A.

5. Learned counsel for the petitioner further submits that the Court below ought to have seen that the respondent herein filed the present I.A., only to drag on the proceedings and also stated there is no pleading in the plaint for sending the document to hand writing expert and without taking into account of pleading, the Court below passed impugned orders and which are liable to be set aside and requested to allow the Revision Petition.

6. On the other hand, learned counsel for respondent basing on the counter submits that the suit is filed for specific performance of contract against the petitioner herein, based on the sale deed dated 07.07.2017 executed by the petitioner herein in favour of the respondent herein, after executing the document the petitioner herein escaped from the registrar office before completion of registration formalities and also stated that on consideration of the facts, the Court below considered the pleadings of both sides and rightly allowed the said I.A. filed by

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the respondent and there is no illegality envisaged for sending documents to the handwriting expert and requested to dismiss the present civil revision petition.

7. After hearing both sides and perusal of the record, this Court is of the considered view that without going into the merits of the case, this Civil Revision Petition is disposed of by setting aside the impugned order dated 20.04.2023 in I.A.No.3 of 2023 in O.S.No.256 of 2017 on the file of I Additional Senior Civil Judge, at Kothagudem and remanded back to the Court below to pass appropriate orders after taking into account of the contentions made by both the parties in I.A.No.3 of 2023 in O.S.No.256 of 2017.

Miscellaneous applications, if any, shall stand closed.

SD/- V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The I Additional Senior Civil Judge, at Kothagudem,
2. One CC to SRI. V SATYAM REDDY, Advocate [OPUC]
3. One CC to SRI. P VENKANNA, Advocate [OPUC]
4. Two CD Copies



HIGH COURT

DATED:10/10/2023

ORDER

CRP.No.1432 of 2023



DISPOSING OF THE CRP WITHOUT COSTS

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11/2/24
HVS