

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

CIVIL REVISION PETITION NO: 3539 AD 3553 OF 2023

CIVIL REVISION PETITION NO: 3539 OF 2023

Petition under Article 227 of the Constitution of India aggrieved by the Order dated 30-10-2023 in I.A.No. 556 of 2023 in O.S.No. 140 of 2018 passed by the Principal Senior Civil Judge, at Karimangar

Between:

Mittapally Narsimha Reddy, S/o Late Malla Reddy, aged 60 years, Occ. Agriculture, R/o Galipally Village of Ellanthakunta Mandal, Karimnagar District

...PETITIONER/PETITIONER/PLAINTIFF

AND

Narla Narayana, S/o Bheemaiah, Aged 45 years, Occ. Business, R/o H.No. 5-6-145/1, Maruthinagar, Karimnagar District.

...RESPONDENT/RESPONDENT/DEFENDANT

CIVIL REVISION PETITION NO: 3553 OF 2023

Petition under Article 227 of the Constitution of India aggrieved by the Order dated 30-10-2023 in I.A.No.555 of 2023 in O.S.No.140 of 2018 passed by the Principal Senior Civil Judge, at Karimangar

Between:

Mittapally Narsimha Reddy, S/o Late Malla Reddy, aged 60 years, Occ. Agriculture, R/o Galipally Village of Ellanthakunta Mandal, Karimnagar District

...PETITIONER/PETITIONER/PLAINTIFF

AND

Narla Narayana, S/o Bheemaiah, Aged 45 years, Occ. Business, R/o H. No. 5-6-145/1, Maruthinagar, Karimnagar District.

...RESPONDENT/RESPONDENT/DEFENDANT

Counsel for the Petitioner: SRI. RAMACHANDAR RAO VEMUGANTI

Counsel for the Respondent: -

The Court made the following: COMMON ORDER

THE HONOURABLE SMT JUSTICE P. SREE SUDHA
CIVIL REVISION PETITION NOS. 3539 AND 3553 OF 2023
COMMON ORDER:

These two civil revisions are filed against the common order of the learned Principal Senior Civil Judge, Karimnagar dated 30.10.2023 passed in I.A.No.555 of 2023.

2. Revision petitioner/Plaintiff filed O.S.No.140 of 2018 for recovery of Rs.2,72,000/- along with Rs.1,95,125/-, interest @ 24% per annum from 13.08.2015 to 09.08.2018 amounting to Rs.4,67,125/- with future interest. After closure of evidence of both sides, the plaintiff filed applications in I.A.Nos.555 and 556 of 2023 requesting the Court to re-open the suit and to send Ex.B.1 to the handwriting expert on the ground that it is a forged document. The suit is filed in the year 2018 and applications were filed at a belated stage when the matter was posted for arguments, as such the trial Court did not consider the application and dismissed the same. Aggrieved by the said common order, these revisions are preferred. He mainly contended that D.W.1 was cross-examined on 01.03.2023 and the defendant's evidence was closed. Subsequently, due to reopening of the case, as per the orders in I.A.No.250 of 2023, D.W.2 chief-

examination affidavit was filed on 21.04.2023 and was cross examined on 30.08.2023 and the case was posted for arguments on 12.09.2023 and again on 25.09.2023 I.A.No.555 of 2023 was filed by the plaintiff along with I.A.No.556 of 2023 requesting the trial Court to reopen the case and to send the disputed document Ex.B.1 for getting expert opinion. Admittedly, the suit was filed by the plaintiff for recovery of amount and it is for him to substantiate his version. He mainly contended that Ex.B.1 is a forged document when he took the plea of forgery it is for him to prove the same. No doubt, the applications were filed at a belated point of time, but the revision petitioner herein contended that D.W.2 was examined as per the orders of I.As and aggrieved by the said evidence and filed these applications. Therefore, this Court finds it reasonable to set aside the common order of the trial Court.

3. In the result, both the civil revision petitioners are allowed and the trial Court is directed to obtain the admitted signatures of the revision petitioner/plaintiff and send along with Ex.B.1 to the hand writing expert for his opinion on the signatures appearing

on Ex.B.1 within ten (10) days from the date of receipt of copy of this order. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

Sd/-V.KAVITHA
ASSISTANT REGISTRAR



//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge, at Karimangar
2. One CC to SRI. RAMACHANDAR RAO VEMUGANTI Advocate [OPUC]
3. Two CD Copies

VH



HIGH COURT

DATED: 29/12/2023



ORDER

**CRP.No.3539 of 2023
AND
CRP.No.3553 of 2023**

ALLOWING THE CRP's

(6) ms
5/3/24