

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CIVIL REVISION PETITION NO: 3146 OF 2022

Petition under Article 227 of the Constitution of India, Aggrieved by the order dated 10-11-2022 passed in O.S.No. 328 of 2009 on the file of the II Additional District Judge, Medchal-Malkajgiri District at Medchal.

Between:

1. Duggirala Leela Yugendhar Babu, S/o. Late D.Sudhindra Babu, aged 42 years Occ: Business, R/o. H.No. 17-2, Kanuru, Penamaluru Mandal, Krishna District.
2. Duggirala Krishna Mohan, S/o. Late D.Amarendra Babu, aged 54 years, Occ. Business, R/o. H.No. 17-2, Kanuru, Penamaluru Mandal, Krishna District.

...Petitioner

AND

1. Smt. Niramala Golecha (died per L.Rs.)
2. M/s IVY League School Limited,, under its Certificate of Incorporation with Corporate Identity, as per the boards resolution
3. Mr. Laxmichand Golechha, (died per L.Rs.)
4. Mahavir Golechha, S/o. Laxmichand Golecha, aged 61 years, Occ. Business, R/o. Plot No.5 Guttala Begumpet, Serilingampally Mandal, R.R.District.
5. Mr. Ashwin Golechha, S/o. Laxmichand Golechha, Aged 56 years, Occ: Business, R/o. Flat No.1 Ground floor, Windsor Apartment, Road No.12 Banjara Hills, Hyderabad
6. Mrs. Sangeetha Setia, W/o. Prabath Sethia, D/o. Laxmichand Golechha, aged 51 years, Occ: Business, R/o. Plot No. 503, 111 Jyothi Speindor Apartment, Srinagar Colony, Hyderabad.

...Respondents
(Defendants)

IA NO: 1 OF 2022

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 grant stay of all further proceedings in O.S.No. 328 of 2009 on the file of the II Additional District Judge, Medchal-Malkajgiri District at Medchal.

Counsel for the Petitioners :SRI. M. DINESH GOUD

Counsel for the Respondents: None Appeared

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Civil Revision Petition No.3146 of 2022

ORDER:

The present Civil Revision Petition is filed against the Docket Order dt.10.11.2022 passed in O.S.No.328 of 2009 on the file of the II Additional District Judge, Medchal-Malkajgiri District at Medchal.

2. Heard Sri Vedula Srinivas, learned Senior Counsel, representing Sri N.Hari Prasad, learned counsel for the petitioners, and Sri Sunil B.Ganu, learned Senior Counsel, representing Sri M.Dinesh Goud, learned counsel for the respondents, and perused the record.

3. The petitioners herein are the plaintiffs in the suit filed for cancellation of General Power of Attorney (GPA) bearing No.1541/BK-IV/1990 dt.09.08.1990 and other consequential reliefs.

4. It is the specific case of the petitioners that the GPA is a forged document and does not bear the signatures of the petitioners. While the suit is pending adjudication, the petitioners have filed I.A.No.615 of 2019 with the following prayer:

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court be pleased to send the Original GPA Document No.1541/BK-IV/1990 dated 9-8-1990 and Original Sale Deed No.2211/1990 of Sub Registrar, Vijayawada, dated 30.04.1991, along with the Thumb Impression of the petitioners obtained in the open Court for comparison, examination and expert opinion on 'Admitted Signatures and Thumb Impressions'

and 'Disputed Signatures and Thumb Impressions' and to pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.'

5. Although the application was preferred belatedly at the time of respondents/defendants arguments, the Court below *vide* order dated 29.08.2019 had allowed the application noting that referring the said documents for Expert Opinion was crucial to the petitioners' case. Observing so, the Court below had directed that the documents to be sent for comparison of the signatures and thumb impressions to the Finger Print Bureau, Office of Telangana DG and IGP Office Complex, Hyderabad.

6. To comply with the order dated 29.08.2019, the petitioners were required to produce the original sale deed/partition deed bearing No.2211/1990 dated 30.04.1991 executed before the Sub-Registrar, Vijayawada, containing the admitted signatures into the Court below. On such production, the original sale deed/partition deed bearing No.2211/1990 dated 30.04.1991, along with the disputed original GPA dt.09.08.1990 was to be sent to the Finger Print Bureau for comparison of signatures.

7. In spite of the Court below giving number of opportunities, the petitioners did not produce the original Sale Deed/Partition Deed dt.30.04.1991 for comparing their finger prints thereon with the disputed document, i.e. Original GPA, on the basis of which, the

petitioners/plaintiffs had laid the suit claim seeking cancellation of the GPA and the sale deed dt.10.09.1990 executed in favour of the defendants.

8. The Court below, after taking note of the dilatory tactics being adopted by the petitioners herein, in not producing the contemporaneous period document with which the petitioners/plaintiffs wanted the signatures and thumb impressions on GPA to be compared, closed I.A.No.615 of 2019 on 10.11.2022.

9. The learned senior counsel appearing for the petitioner contended that the court below having passed the order dated 29.08.2019 allowing the I.A., cannot now recall its order to close the exercise of sending the documents to Finger Print Bureau. Alternatively it is submitted that if an opportunity is given, the petitioners would produce the document i.e. original sale deed dt. 30.04.1991, before the Court below for it to be sent to Finger Print Bureau for comparing the signatures and the thumb impressions thereon with the disputed signatures and thumb Impressions on the GPA dt.09.8.1990.

10. Per contra, learned Senior Counsel appearing behalf of the respondents, submits that the suit is of the year 2009 and in spite the Court below showing indulgence, the petitioners have been dodging the matter on one pretext or the other, that itself shows that the petitioners lack seriousness in pursuing the matter and it is only to

harass the defendants the present suit is filed. However, it is contended that, if this Court were to show any indulgence to the petitioners, they should be put on terms and some time frame may be fixed by this Court within which the petitioners shall file the original sale deed/partition deed dt.30.04.1991 into the Court to enable the Court to send the same for comparison to Finger Print Bureau.

11. Having regard to their respective submission, this Court is of the view that the Petitioners can be granted one opportunity. However, taking note of the fact that the petitioners failed to comply with the order of the Court below dt.29.08.2019, for four long years, this Court is of the view that the present petition can be allowed subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand only) to the respondents. Further, the petitioners are directed to produce/file the original sale deed/partition deed dt.30.04.1991 into the Court below on or before 10.03.2023. Further, the petitioners have also directed to obtain a fresh demand draft for Rs.3,000/- (Rupees Three Thousand Only) towards fee payable in favour of the Director, Finger Print Bureau, Office of Telangana DG and IGP Office Complex, Opposite Ravindhra Bharathi, Lakdikapul, Hyderabad.

12. Subject to the above direction, the Civil Revision Petition is disposed of.

13. Consequently, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- V. KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The II Additional District Judge, Medchal-Malkajgiri District at Medchal.
2. One CC to Sri. M. DINESH GOUD, Advocate [OPUC]
3. Two CD Copies

PSR

HIGH COURT

TVK,J

DATED:03/03/2023

ORDER

CRP.No.3146 of 2022



DISPOSING OF THE CIVIL REVISION PETITION.

S. Ravi Kumar
2023/03/04