APHC010219512026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION NO: 1314 OF 2026

Between:

1. MAKAM VESNKATA RAMANA, S/o Makam Chinna Venkata Subbaiah @ Santenna, Aged about 56 years, Cultivation, R/o Chinna Machupalli Village and Post, Erstwhile Chennur Mandal, Now attached to Kadapa Municipal Corporation, Y.S.R. Kadapa District- 516162.

...Petitioner

AND

1. BANGARU VSENKATA RAMANA, S/o Bangaru Venkataiah, Aged about 65 years. Cultivation R/o Rama Chandrapuram, H/o Ramarajupalli, Kadapa City, Y.S.R. Kadapa District- 516289.

...Respondent

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 pleased to SET ASIDE the Order dt.17-02-2026 passed in I.A.No.898/2025 in O.S.No.31/2021 on the file of Honourable Principal Civil Judge (Senior Division), Kadapa and allow the same and pass

IA NO: 1 OF 2026

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 pleased to STAY all further proceedings in O.S.No.31/2021 on the file of

Hon'ble Principal Civil Judge (Senior Division), Kadapa during pendency of this CRP and pass

Counsel for the Petitioner: A SYAM SUNDAR REDDY

Counsel for the Respondent V R REDDY KOVVURI

The Court made the following order:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION NO: 1314 OF 2026

ORDER:

1. This Civil Revision Petition is filed seeking to set aside the order dated 17.02.2026 passed in I.A.No.898 of 2025 in O.S.No.31 of 2021 on the file of the learned Principal Civil Judge (Senior Division), Kadapa.

2. Heard Sri A.Syam Sundar Reddy, learned counsel for the petitioner and Sri V.R.Reddy Kovvuri, learned counsel for the respondent.

3. The respondent herein is the plaintiff in the suit, which was filed seeking specific performance of an agreement of sale. The specific plea of the petitioner/defendant is that the respondent/plaintiff has filed the suit as if the petitioner had received an amount of Rs.48,00,000/- towards sale consideration and subscribed his signature on the agreement of sale. However, the petitioner disputes the signature appearing on the suit document and contends that the same does not belong to him.

4. In order to substantiate his contention, the petitioner/defendant filed I.A.No.898 of 2025 under Order VIII Rule 1(3) of C.P.C., seeking to receive the documents enclosed to the petition and to send the same for expert opinion under Section 39 of the Bharatiya Sakshya Adhiniyam, 2023. The said application was dismissed by the learned trial Court by order dated 17.02.2026.

5. The case of the petitioner is that the documents sought to be received are of the years 2012 and 2025, whereas the disputed agreement of sale is of the year 2021. The learned counsel for the petitioner submitted that the signatures of the contemporaneous period, preferably those falling within 2 to 3 years prior to or subsequent to the disputed document, would be appropriate for comparison. He further submitted that the learned trial Court, while dismissing the application, has misconstrued the Full Bench judgment of the High Court of Andhra Pradesh in ***Bande Siva Shankara Srinivasa Prasad v. Ravi Surya Prakash Babu and others***, AIR 2016 Hyd 118.

6. Learned counsel for the petitioner, placing reliance on the aforesaid judgment, particularly paragraph No.10, would submit that the gist of the expert's opinion emerging from the report is to the effect that it is not always necessary to have the contemporaneous handwriting/signatures for comparison. However, as a general rule, it would be desirable to undertake comparison of admitted handwritings/signatures with disputed handwritings/signatures which fall within the range of 2 or 3 years from each other. Therefore, there can be no hard and fast rule as to when comparison can or cannot be undertaken owing to the time lag between the two sets of handwriting/signatures. Various other factors would have to be taken into consideration, as opined by the experts, quoted hereinbefore. Each case would turn upon its own facts and circumstances relating to the

time lag, the change in the handwriting/signature, the capability of correlating the two sets and, ultimately, the opinion of the expert himself as to whether the two sets can be compared. It is therefore not open to the Court to refuse to entertain an application seeking comparison of disputed handwriting/signatures with admitted handwriting/signatures on the ground of a long lapse of time between the two sets of handwriting/signatures.

7. Admittedly, the learned trial Court has misconstrued the Full Bench judgment of the erstwhile High Court of Andhra Pradesh. Therefore, the rejection of the petition by the learned trial Court is contrary to the principles laid down by the Full Bench of the High Court. In view of the same, without going into the merits of the case, the order passed by the learned trial Court is hereby set aside and the matter is remitted back to the learned trial Court for fresh consideration in the light of the findings of the Full Bench in Bande Siva Shankara Srinivasa Prasad v. Ravi Surya Prakash Babu and others, AIR 2016 Hyd 118, as expeditiously as possible, preferably within a period of 4 weeks from the date of receipt of a copy of this order.

8. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

05.11.2026
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41

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION NO: 1314 OF 2026

05.11.2026
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