



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3330]

THURSDAY, THE 16th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No. 1225/2026

BETWEEN:

1.K. EDUKONDALU ALIAS YEDUKONDALU, S/O K. VENKATA
NARASIMHULU @ NARASIMHULU, AGED ABOUT 55 YEARS,
OCC. BUSINESS, R/O D.NO.9-426, A6, RAJAMPETA TOWN
YSR KADAPA DISTRICT **....PETITIONER**

AND

1.B VENKATESH, S/o Late B. Subbaiah, Aged about 50 years, Occ.
Business, R/o D.No.1-4-1254/405,Main road. Near R.TO. office,
Jwaharnagar S.O., RAICHUR Town, Karnataka State - 584 103.
....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 allow the above Civil Revision Petition by setting aside the Order, dated 16.03.2026 in I.A. No.04 of 2026 in O.S. No.02 of 2021, passed by the III Additional District Judge, Rajampet, YSR Kadapa District and pass such other order or orders.

Counsel for the Petitioner:

1.V R REDDY KOVVURI

Counsel for the Respondent:

1.NAGESWARA RAO V

The Court made the following:

ORDER:

The petitioner herein who is the plaintiff filed suit O.S. No. 02 of 2021 for recovery of money. During the course of trial the petitioner herein filed I.A. No. 4 of 2026 to send the suit document to compare with the documents Ex B1 to B4 promissory notes executed by the respondent/defendant under Section 39 of Bharatiya Sakshya Adhiniyam as the respondent/defendant has taken the plea that the suit document is forged one.

2. The said application was opposed by the respondent that those documents Ex B1 to B4 promissory notes were not executed by this respondent/defendant.

3. The learned trial Court Judge has dismissed the said application asserting that the burden of proving the Ex B1 to B4 promissory notes is upon the respondent/defendant and further observed that the Court has authority to examine the documents that filed by the plaintiff and the defendant, vide order dated 16.03.2026.

4. The said order is under challenge now on the grounds that it requires expert assistance and the Court cannot under take the comparison without assistance of expert opinion and if the finding goes against the petitioner the entire trial will be vitiated hence prayed to set aside the order and to allow the application filed under Section 39 of Bharatiya Sakshya Adhiniyam.

5. Heard Sri V.R. Reddy Kovvuri, learned counsel for the petitioner and Sri Nageswara Rao V.T., learned counsel for the respondent.

6. The application is filed under Section 39 of Bharatiya Sakshya Adhiniyam to send the suit document Ex. A1 Promissory note to compare with the documents i.e., Ex B2 to B4 that filed by the respondent/defendant to a government handwriting expert to give for an opinion on the signature on both the documents. The trial Court, has rejected the said application. It is undisputed fact that the respondent/defendant has disputed the signature of the suit document and the burden is upon the petitioner/plaintiff to prove the case.

7. In ***Ram Avatar Soni vs Mahanta Laxidhar Das And Ors*** reported in 2019 (11) SCC 415, the Apex Court held that if the scientific investigation of the document in question facilitates the ascertaining of truth, in the interest of justice, naturally it has to be ordered.

8. In *State Delhi Administration v. Pali Ram* reported in (1979) 2 SCC 158 = AIR 1979 SC 14, the Supreme Court held that "it is not advisable that a Judge should take up the task of comparing the admitted handwriting with the disputed one to find out whether the two agree with each other and the prudent course is to obtain the opinion and assistance of an expert". No doubt that Section 73 of Indian Evidence Act (which correspondence with Section 72 of Bharatiya Sakshya Adhiniyam) gives the power to the Court to compare the disputed

handwriting with admitted writings. Prudence demands that Court should be extremely slow in venturing an opinion on the basis of mere comparison.

9. The trial Court ought to have been exercised its discretion judiciously and come to a conclusion that the opinion of the expert would help the Court to give a quietus to the plea taken by the defendants, instead of dismissing it by observing that the Court can compare the signatures. On the basis of the principle laid down by the Supreme Court, there is no bar to send the document to the expert for comparison.

10. In the result, the Civil Revision Petition is allowed and the impugned order is set aside. I.A.No. 04 of 2026 on the file of the III Addl. District Judge, Rajampet, is allowed. The trial Court is directed to send Ex A1 suit document to compare with the documents Ex B2 to B4 to the expert and the petitioners shall bear the expenses as directed by the trial court. There shall be no order as to costs.

As a sequel, interlocutory applications, if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 16.07.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

C.R.P.No. 1225 OF 2026

Date: 16-07-2026