



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

[3332]

**THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2054/2025

Between:

1.CHITTA VENKATA SUBBA REDDY, S/O. C.SUBBA REDDY, AGED
45 YEARS, RESIDING AT GOTURU VILLAGE AND POST, VALLUR
MANDAL, YSR KADAPA DISTRICT.

...PETITIONER

AND

1.G VEERA DINESH REDDY, S/o.G.Veera Prathap Reddy, aged 34
years. Business, residing at Plot No.281/M, Road No.10-B, Jubilee
Hills, Hyderabad, Telangana State.

...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 begs to present this Memorandum of Grounds of Civil Revision
Petition aggrieved by the order, dated 14.07.2025 in I.A.No.124 of 2023 in
O.S.No.102 of 2017 on the file of the Court of the Principal Civil Judge
(Senior Division), Kadapa, YS.R District,

IA NO: 1 OF 2025

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
grant STAY of all further proceedings in in O.S.No.102 OF 2017 on the file of

the Court of the Principal Civil Judge (Senior Division), Kadapa, YS.R District, pending disposal of the above Civil Revision Petition 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 to vacate the interim Order dt. 14.08.2025 in I.A. No.1 of 2025 in C.R.P. No. 2054 of 2025 as extended from time to time including Order dt. 08.01.2026 in the interests of justice and to pass such other orders or order

Counsel for the Petitioner:

1.PAPUDIPPU SASHIDAR REDDY

Counsel for the Respondent:

1.NIMMAGADDA REVATHI

The Court made the following order:

Assailing the legality and correctness of the order dated 14.07.2025 passed in Interlocutory Application No.124 of 2023 in Original Suit No.102 of 2017 on the file of the Court of Principal Civil Judge (Senior Division), Kadapa, YSR District, the present Civil Revision petition is filed.

2. The facts that led to filing of the present Civil Revision Petition are that:

The petitioner herein is the defendant and the respondent herein is the plaintiff in O.S.No.102 of 2017. The respondent herein/plaintiff filed the said suit seeking cancellation of registered sale deed dated 24.11.2014 executed by the learned Principal Senior Civil Judge, Kadapa in E.P.No.289 of 2014 in O.S.No.201 of 2013 in favour of the defendant and also sought permanent injunction restraining the defendant from alienating, mortgaging or transferring the plaint schedule property to third parties. During the pendency of the suit, on the ground that the agreement of sale relied upon in the suit was forged document, an Interlocutory Application No.124 of 2023 was filed to send the original agreement of sale along with registered gift settlement dated 16.02.2009 containing the signatures of the petitioner of contemporaneous period to the Hand Writing Expert under Section 45 of the Indian Evidence Act. The said application was contested by the respondent/plaintiff by filing counter. After hearing both sides, the trial Court allowed the said application and directed that the original agreement of sale along with the original

registered gift deed be sent to the Hand Writing Expert, APFSL, Mangalagiri for examination and report on payment of Expert fee. Aggrieved by the said order, the present Civil Revision Petition is filed.

3. Heard Sri P.Sasidhar Reddy, learned counsel for the petitioner and Smt Nimmagadda Revathi, learned counsel for the respondent.

4. Learned counsel for the petitioner, in elaboration to what has been stated in the grounds of revision and contents of the counter filed before the trial Court, contended that the trial Court erroneously allowed the application without properly appreciating the scope and purport of Section 45 of the Indian Evidence Act. He further contended that though no specific prayer was sought for sending the original registered gift deed along with the disputed document, the trial Court allowed the said application by directing that the agreement of sale along with the registered gift deed be sent for expert examination. In fact, the plaintiff did not even mention the registered gift deed, dated 16.02.2009 in the interlocutory application. He further submitted that if the impugned order is allowed to subsist, it would affect the rights of the petitioner. Hence, prayed to allow the Civil Revision Petition by setting aside the order dated 14.07.2025 in I.A.No.124 of 2023 in O.S.No.102 of 2017.

5. On the other hand, learned counsel for the respondent, in elaboration to what has been stated in the affidavit filed along with the interlocutory application before the trial Court and while justifying the order passed by the

trial Court, submitted that no prejudice would be caused to the petitioner, if the interlocutory application is allowed. She further contended that the expert opinion would come as an aid to the trial Court in adjudicating the suit on merits. In such circumstances, the petitioner cannot question the order and that the trial Court rightly allowed the application which does not warrant any interference by this Court.

6. Perused the material available on record and considered the submissions made by learned counsel for the parties.

7. Earlier, a suit filed by the petitioner herein/defendant in O.S.No.201 of 2013 on the file of the Principal Senior Civil Judge, Kadapa for Specific Performance of agreement of sale, in which an *ex parte* decree was passed. Pursuant to the said decree, the trial Court registered the sale deed dated 24.11.2014. Seeking cancellation of the said sale deed executed by the trial Court in the aforesaid suit, the suit in O.S.No.102 of 2017 has been filed. I.A.No.124 of 2023 was filed by the respondent/plaintiff seeking to send the disputed agreement of sale along with the registered gift deed to Handwriting Expert under Section 45 of the Indian Evidence Act, on the ground that the document relied upon by the petitioner/defendant is a forged one. The trial Court, after considering the rival contentions and exercising its discretion, allowed the application and directed the documents to be sent for expert opinion.

8. The contention of the petitioner that the registered gift deed was not part of the prayer in the application and, therefore, could not have been directed to be sent for expert examination, cannot be accepted at this stage, as the trial Court is empowered to permit examination of relevant contemporaneous documents to arrive at a just decision. The expert opinion is only an aid to the Court and does not, by itself, conclude the rights of the parties. Further, no prejudice would be caused to the petitioner by the impugned order, as the documents are being subjected only to scientific examination. In such circumstances, this Court finds that the trial Court has rightly dealt with the interlocutory application and that there is no illegality or impropriety in the order passed by the trial Court warranting interference.

9. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, all the pending miscellaneous applications are closed.

JUSTICE RAVI CHEEMALAPATI

Date: 07.05.2026

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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

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Date: 07.05.2026

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