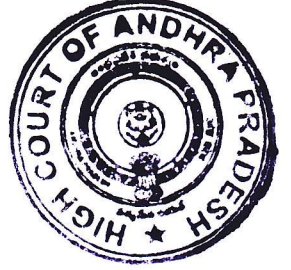


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT



HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No.2862 of 2024

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 16-08-2024 passed in I.A No.387 of 2024 in O.S.No.57 of 2018 on the file of the Court of the Principal Senior Civil Judge, Ongole, Prakasam District.

Between:

1. Nallavula Vijaya Lakshmi, (Died)
2. Nallavula Venkata Subbaiah, S/o. Chenchiah, aged 56 years, Unemployee, R/o. Kesavaswamy peta, Ongole.
3. Bathula Padmasri, W/o. Narendra Kumar, aged 35 years, R/o. Kesavaswamy peta, Ongole.
4. Nallavula Prabhudas, S/o. Venkata Subbaiah, aged 31 years, R/o. Kesavaswamy peta, Ongole Town, Prakasam District.

...Petitioners

AND

Bommineni Venkata Ramana, W/o. Satyanarayana, aged 55 years, R/o. 36-4-50, Ankammapalem, Near Municipal Office, Ongole.

...Respondent

IA NO: 1 OF 2024

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 stay all further proceedings in O.S No. 57 of 2018 on the file of the court of the Principal Senior Civil Judge, Ongole, Prakasam District.

Counsel for the Petitioners : Sri Yadavalli Ramesh

Counsel for the Respondent : Sri K Mohan Rami Reddy

The Court made the following:

APHC010521422024



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

[3330]

WEDNESDAY, THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION NO: 2862/2024

Between:

Nallavula Vijaya Lakshmi and others

...PETITIONER(S)

AND

Bommineni Venkata Ramana

...RESPONDENT

Counsel for the Petitioner(S):

1. YADAVALLI RAMESH

Counsel for the Respondent:

1. K MOHAN RAMI REDDY

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION NO.2862 of 2024

ORDER:

The petitioners herein are the defendants and the respondent herein is the plaintiff in the suit in O.S.No.57 of 2018 on the file of the learned Principal Senior Civil Judge, Ongole, which is filed for recovery of money basing upon the promissory note.

2. After demise of the sole defendant/1st respondent, the legal heirs of the deceased defendant filed an application in I.A.No.387 of 2024 in O.S.No.57 of 2018 to send promissory note for expert opinion for comparison with the admitted signatures. The trial Court has dismissed the said application on the ground that the defendants have not filed any contemporary documents.

3. Learned counsel for the petitioners relied on the judgment of this Court in ***Bipili Kesava Rao vs. Raghunath Patnaik***¹ for the proposition that the document can be sent at the belated stage. But the facts in the said judgment relied by the learned counsel for the petitioner are not applicable to the facts of the present case as the issue before the trial Court is that the defendants have not filed any contemporary documents to compare the signatures of the suit document i.e., Ex.A1 promissory note.

¹ 2023 Supreme (Online)(AP) 21984

4. The proposition in the judgment of the composite High Court in ***Bande Siva Shankara Srinivasa Prasad Vs. Ravi Surya Prakash Babu and others***² is that "What is the meaning of contemporaneous; and what is the measure of contemporaneity", held as hereunder:

"b) What is the meaning of contemporaneous; and what is the measure of contemporaneity.

Comment: Contemporaneous means occurrence at same period of time. No specific measure could be assigned to the element of contemporaneity. One of the famous authors in the field of examination of documents, Ordway Hilton, in his famous book Scientific Examination of Questioned Documents, states that material written two or three years before or after the disputed writing serve as satisfactory standards and the same is enunciated in page 11 of Annexure enclosed."

5. According to the judgment of the full Bench in ***Bande Siva Shankara Srinivasa Prasad***'s case (referred supra), there should be a two or three year gap between contemporaneous document, but in this case, there is six years gap. The signature may alter over time even though in the present case, it has not been changed purposefully. Consequently, the trial Court conclusions in the contested order are valid and hence, this Court is hesitate to grant any kind of relief.

² AIR 2016 Hyderabad 118 Full Bench

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

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

//TRUE COPY//

Sd/- G HELA NAIDU
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The Principal Civil Judge (Senior Division), Ongole, Prakasam District.
2. One CC to Sri Yadavalli Ramesh, Advocate [OPUC]
3. One CC to Sri K Mohan Rami Reddy, Advocate [OPUC]
4. **Three CD Copies**

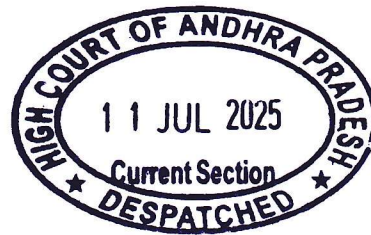
TK
sree

HIGH COURT

DATED:12/03/2025

ORDER

CRP.No.2862 of 2024



**DISMISSING THE CIVIL REVISION PETITION
WITHOUT COSTS**