



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

[3332]

**MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2689/2025

Between:

1. KOTTALA KHAJA SAHRFUDDIN, S/O LATE GOUSEPEERAN,
AGED 61 YEARS, CORRESPONDENT OF ENGINEERING
COLLEGE, R/O D.NO.8-1-329/1, ANANDAVIHAR APARTMENT,
TOLICHOWKI, HYDERABAD, TELANGANA STATE.

...PETITIONER

AND

1. JONNAVARAM SHAIK ABDUL KHADER SHAIK ABDUL KHADER
ALLAHMA, S/o Late Jonnavaram Shaik Ibrahim Saheb, Age- 61
years. Business, R/o D.No. 7/116, Housing Board Colony,
Proddatur Town, Kadapa District, A.P.

...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 this CRP by setting aside the Order dated 15-09-2025, passed in I.A. No. 344 of 2023 in O.S. No. 24 of 2017 passed on the file of Honble II Additional District Judges Court, Kadapa at Proddatur and pass

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 stay all further proceedings in O.S. No. 24 of 2017 passed

on the file of Honble II Additional District Judges Court, Kadapa at Proddatur pending disposal of the Civil Revision Petition and pass

Counsel for the Petitioner:

1.V NITESH

Counsel for the Respondent:

1.C PRAKASH REDDY

The Court made the following:

ORDER:

Assailing the correctness and legality of the orders passed by the II Additional District Judge, Kadapa at Proddatur, in I.A.No. 344 of 2023 in O.S.No.24 of 2017 dated 15.09.2025, the present Civil Revision Petition is filed.

2. The facts that led to filing of the Civil Revision Petition are that the petitioner is the defendant and respondent is the plaintiff in a suit for recovery of money. In the said suit, petitioner/ defendant filed I.A.No.344 of 2023 under Section 45 of Indian Evidence Act, praying the Court to send the disputed signatures Ex.A1 to Ex.A19 in the executants column along with admitted signatures of the petitioner/defendant to expert to give his opinion. The said application has been opposed by the respondent/plaintiff by filing his counter and prayed to dismiss the said IA. After hearing the parties, the Court below dismissed the said I.A. Assailing the same, the present Civil Revision Petition is filed.

3. Heard Sri N.Sai Akash, learned counsel representing Sri V.Nitesh, learned counsel for the petitioner and Sri M.V.Vijay Aditya Reddy, learned counsel representing Sri C.Prakash Reddy, learned counsel for the respondent.

4. Learned counsel for the petitioner while reiterating the contents of the affidavit filed in support of the I.A and the grounds of revision submitted that the petitioner who is a defendant in suit, in his written statement, categorically took a stand that the suit documents are fabricated and the signature is forged. In those circumstances the defendant necessitated to file the said interlocutory application. The Court below, simply on the ground of delay dismissed the said application erroneously. In fact the suit is coming for defendant's side evidence. He further submitted that if the said application is not allowed, the petitioner's right to defend the suit will be defeated, as such, prayed to pass appropriate orders.

5. On the other hand, learned counsel for the respondents submitted that the document on which admitted signature the petitioner is relying on was not filed along with I.A and subsequently it was filed along with memo. As such the Court below has rightly dealt with the application and dismissed the I.A, and the same warrants no interference of this Court as it is a well-reasoned order, accordingly, prayed to dismiss this CRP.

6. In reply, learned counsel for the petitioner submitted that in fact along with the said application sale deeds were already filed wherein admitted signatures are available, however, the Court below did not consider the same.

7. Perused the record and considered the submissions made by the learned counsel for the parties.

8. The petitioner, who is the defendant in a suit for recovery of money, in his written statement has denied the allegations. A perusal of the record shows that the defendant has clearly indicated that the plaintiff credited the money through a promissory note and allegedly forged the signature. In these circumstances, the petitioner necessitated to file an application for sending the suit document to an expert. The Court below dismissed the said application on the ground that the petitioner did not file any contemporary signatures pertaining to the year 2014 as Ex.A1 to Ex.A19 are executed in the year 2018. Further, there are no bonafides and sufficient reasons in the petition averments and moreover the evidence of expert is not a conclusive proof.

9. Admittedly, the petitioner, along with I.A, filed the passport original issued by the Government of India along with the memo at later point of time. However, the Court did not consider the said document while adjudicating the I.A. In the said view of the fact, the Court below

erroneously dismissed the application and the same warrants interference of this Court.

10. In the said view of the fact, the Civil Revision Petition is allowed setting aside the order dated 15.09.2025 passed in I.A.No.344 of 2023 in O.S.No.24 of 2017. The Court below shall send Ex.A1 to Ex.A19 along with passport and also the Sale deeds which were referred in the memo filed before the Court below for expert opinion and see that the report is received at the earliest.

11. Accordingly, the Civil Revision Petition is ***allowed***. There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

Date: 04th May, 2026

RKS