



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

[3332]

**TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2698/2025

Between:

1.B. LAKSHMI KUMARI,, W/O.POCHAMREDDY JAGAN MOHAN REDDY, AGED ABOUT 48 YEARS, OCC- TEACHER, RESIDING AT FLAT NO. 504, VENKATADRI APARTMENT, YERRAMUKKAPALLI, YSR KADAPA DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1.GANGIREDDY NARAYANA REDDY, S/o.Obula Reddy, Aged about 68 years, Occ- Business, R/o. Door No.2/806-6-1, Pottipadu Road, Bhakarapeta Street, Proddatur Town and Mandal, YSR Kadapa District, Andhra Pradesh

...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 26-08-2025 Passed in I.A. No. 20 of 2025 in O.S. NO. 361 of 2022 on the file of Principal Junior Civil Judge, 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 grant stay of all further proceedings in O.S. No. 361 of 2022 pending on the file of Hon'ble Principal Junior Civil Judge, Proddatur pending disposal of the Civil Revision Petition and pass

Counsel for the Petitioner:

1.V NITESH

Counsel for the Respondent:

1.

The Court made the following order:

Assailing the legality and correctness of the order dated 26.08.2025 passed in Interlocutory Application No.20 of 2025 in Original Suit No.361 of 2022 on the file of the Court of Principal Junior Civil Judge, Proddatur, the present Civil Revision petition is filed.

2. The petitioner herein is the defendant and the respondent herein is the plaintiff in O.S.No.361 of 2022. The respondent herein/plaintiff filed the suit seeking recovery of the suit amount based on a promissory note. The petitioner/defendant filed written statement denying the borrowing of the amount. Subsequently, the petitioner/defendant filed I.A.No.20 of 2024 under Section 45 of the Indian Evidence Act read with Section 151 of CPC seeking to send the Ex.A1-suit promissory note along with the admitted signatures of the petitioner to the Government Handwriting Expert *i.e.*, the Director, A.P Forensic Science Laboratory, Tech Tower Building, 4th Floor, beside DGP Officer, Mangalagiri, Guntur for comparison and expert opinion. In the said suit, the respondent/plaintiff filed counter contending that the defendant herself affixed her signature on the promissory note and the same is genuine. It was further contended that the defendant not furnished any document containing her admitted signature nor provided any particulars regarding such admitted signatures in her petition/affidavit seeking to send suit pronote for comparison, hence, there was no cause of action for filing the said application. The Court below, after hearing both sides, dismissed the said application *vide*

order dated 26.08.2025 on the ground that comparison of the disputed signatures with the admitted signatures obtained at present before the Court, after six years from the date of execution of the promissory note, may not be proper, as there is every possibility of variation in the defendant's signatures during that period. Aggrieved by the said order, the present Civil Revision Petition is filed.

3. Heard Sri Sai Akash, learned counsel, representing Sri V.Nitesh, learned counsel for the petitioner. Despite service of notice, none represented the respondents.

4. Learned counsel for the petitioner, in elaboration to what has been stated in the grounds of revision and contents of the affidavit filed in support of Interlocutory Application filed before the trial Court, contended that the defendant did not execute the suit promissory note and that the same is a rank forgery. He further submitted that the burden lies upon the defendant to establish that the suit promissory note is rank forged. He further submitted that the defendant has no other remedy except to send the suit promissory note along with her admitted signatures obtained in the presence of both counsel in open Court to a handwriting expert for comparison and opinion so as to substantiate her defence. He further submitted that when the genuineness of a document or signature is in dispute, the opinion of a handwriting expert becomes necessary to assist the Court in arriving at a just and correct conclusion. He further submitted that the trial Court ought to have

seen that by sending the admitted signatures of the petitioner for comparison with the signatures appearing on Ex.A1 promissory note, the real controversy in the *lis* could be resolved and that no prejudice would be caused to the respondent/plaintiff. Hence, prayed to allow the Civil Revision Petition. In support of his contention, he relied on the decision of this Court in ***Velaga Sivarama Krishna v. Velaga Veerabhadrarao***¹

5. Perused the material available on record and considered the submissions made by learned counsel for the petitioner.

6. Perusal of the impugned order reveals that the trial Court dismissed the application on the ground that it would serve no useful purpose to send the specimen signatures of the petitioner obtained after a lapse of six years from the date of execution of the suit promissory note to a handwriting expert with the disputed signatures, as there is every possibility of the petitioner disguising the style and pattern of her signature so as to make them appear dissimilar to the disputed signatures in order to substantiate her plea.

7. In ***Velaga Sivarama Krishna***'s case relied upon by learned counsel for the petitioner, this Court held that :

“Whenever a party disputes the signature on a particular document, two remedies are open to him, either to request the court to compare the signatures or to file an Application to send the document to the expert for comparison. When the petitioner opted to file an application to send the document to the

¹ 2008 SCC Online AP 524

handwriting expert, no prejudice will be caused to either party. When he is asserting that the signature is that of the said party, even though there is gap between the disputed signatures and admitted signatures, a science has been developed to compare such signatures also by taking into consideration the direction of the strokes, the speed of writing, the pattern of writing etc., therefore, it cannot be said that no useful purpose will be served by sending the document to the expert. After comparison, if the similarities of the disputed signatures and the admitted signatures are very negligible, then the court can formulate its opinion with the assistance of the expert's report and by comparing the signatures whether the report has to be accepted or not. But, if the opportunity is denied to the defendant and if the matter is carried to the Appellate Court, there is every likelihood of commenting that he did not avail the opportunity of filing an Application for sending the document for handwriting expert's opinion, if he is so sure that the disputed signature does not belong to him."

7. Having regard to the facts and circumstances of the case and the dictum laid down in the above decision, since the genuineness of the signature on Ex.A1 is seriously disputed by the defendant, this Court is of the view that an opportunity may be afforded to the petitioner/defendant to produce documents containing her admitted signatures of the relevant period for consideration by the trial Court. Hence, this Court, without expressing any opinion on the merits of the case, is inclined to allow the Civil Revision Petition at the admission stage itself by passing the following order:

The petitioner/defendant is at liberty to file appropriate documents containing her admitted signatures before the trial Court within a period of two (2) weeks from the date of receipt of a copy of this order and upon such filing of documents, the trial Court shall send Ex.A1 suit promissory note along with the admitted documents for comparison by the expert and obtain report. If the petitioner/defendant fails to produce such documents within the stipulated time, the order of the trial Court shall stand confirmed and no further time will be granted for filing such documents.

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

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

JUSTICE RAVI CHEEMALAPATI

Date: 28.04.2026

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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO:2698 of 2025

Date: 28.04.2026

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