

Date of reserved for orders : 14.07.2026
Date of pronouncement : 20.07.2026
Date of uploading : 22.07.2026

APHC010640182025



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

[3331]

MONDAY, THE 20th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 3455/2025

Between:

1.O N BALAGOPALA REDDY, S/O. O.M. NARASIMHA REDDY, AGED ABOUT 42 YEARS, OCC- CULTIVATION, R/O. K. BASAVANAPALLI, H/O. KIRIKERA VILLAGE, HINDUPUR MANDAL, SRI SATYA SAI DISTRICT, ERSTWHILE ANANTAPUR DISTRICT.

...PETITIONER

AND

1.B O DHANUNJAYA REDDY, S/o. Late B.O. Rami Reddy, Aged about 49 years, Occ- Cultivation, R/o. H.No.4-105, K. Basavanapalli, Ho. Kirikera Village, Hindupur Mandal, Sri Satya Sai District, Erstwhile Anantapur District.

...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 toThe above named petitioner begs to present this Memorandum of Grounds of Civil Revision Petition being aggrieved by the order dated

02.09.2025 passed in I.A.No.48 of 2025 In A.S.No.94 of 2016 on the file of the II Additional District Judge, Hindupur, Sri Satya Sai District Erstwhile Anantapur District for the following among other

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 A.S.No.94 of 2016 on the file of the II Additional District Judge, Hindupur, pending disposal of the C.R.P.No 3455 of 2025 and to pass

Counsel for the Petitioner:

1.P NARAHARI BABU

Counsel for the Respondent:

1.

The Court made the following:

ORDER

The appellant in A.S.No.94 of 2016 filed the above revision against the order dated 02.09.2025 in I.A.No.48 of 2025 in A.S.No.94 of 2016 on the file of the II Additional District Judge, Hindupur.

2. The respondent herein, being the plaintiff, filed the suit seeking specific performance of the agreement of sale against the appellant herein, being the defendant. The said suit was decreed by judgment and decree dated 01.06.2016.

3. In the appeal, the appellant filed I.A.No.84 of 2018 under Section 45 of the Indian Evidence Act to send the agreement of sale dated 18.08.2010 (Ex.A1) to the expert for comparing the signature along with admitted signatures. The said application was allowed by the appellate Court on 18.09.2018. Thereafter, the documents were sent for comparison to the handwriting expert. The expert returned the documents with an opinion that the documents sent for comparison are insufficient to form an opinion, and the expert requested that Ex. A1, along with the extensive admitted English signatures of the appellant around the year 2010, for comparison, should be retransmitted. The appellate Court received the letter on 22.11.2019 and posted the appeal for hearing the appellant to take further steps. Despite being granted sufficient time, the appellant could not take proper steps. Thus, I.A.No.84 of 2018 was dismissed on 28.09.2021. Thereafter, the appellant filed I.A.No.66 of 2021 seeking restoration of I.A.No.84 of 2018. The respondent reported no counter. Even then, the appellant did not show any interest in the restoration of I.A.No.84 of 2018. Hence, I.A.No.66 of 2021 was also dismissed for default on 14.11.2024.

4. After dismissal of the I.A.No. 84 of 2018, the appellant filed I.A.No.48 of 2025 to send the suit agreement for comparison along with the registered sale deed dated 25.08.2006 vide document No.3816 of 2006, wherein the appellant signed as one of the attestors. The said application was opposed by the respondent.

5. The appellate Court dismissed the application on 02.09.2025. Aggrieved by the same, the above revision is filed.

6. Learned counsel for the petitioner would submit that the appellate Court, having allowed the application at the first instance, ought to have allowed I.A.No.48 of 2025. He would also submit that the opinion of the expert is necessary in view of the defence in the written statement.

7. Now, the point for consideration is:

Whether the order dated 02.09.2025 in I.A.No.48 of 2025 in A.S.No.94 of 2016 on the file of the II Additional District Judge, Hindupur, suffers from any illegality warranting interference?

8. A three-judge bench of the Hon'ble Apex Court in **Chennadi Jalapathi Reddy Vs. Baddam Pratapa Reddy**¹, considered the evidentiary value of an expert report and observed thus:

“10. By now, it is well settled that the court must be cautious while evaluating expert evidence, which is a weak type of evidence and not substantive in nature. It is also settled that it may not be safe to solely rely upon such evidence, and the court may seek independent and reliable corroboration in the facts of a given case. Generally, mere expert evidence as to a fact is not regarded as conclusive proof of it. In this respect, reference may be made to a long line of precedents that includes Ram Chandra v. State of U.P. [Ram Chandra v. State of U.P., AIR 1957 SC 381 : 1957 Cri LJ 559] , Shashi Kumar Banerjee v. Subodh Kumar Banerjee [Shashi Kumar Banerjee v. Subodh Kumar Banerjee, AIR 1964 SC 529] , Magan Bihari Lal v. State of Punjab [Magan Bihari Lal v. State of Punjab, (1977) 2 SCC 210 : 1977 SCC (Cri) 313] and S. Gopal Reddy v.

¹ (2019) 14 SCC 220: 2019 SCC OnLine SC 1098

State of A.P. [S. Gopal Reddy v. State of A.P., (1996) 4 SCC 596 : 1996 SCC (Cri) 792].

11. We may particularly refer to the decision of the Constitution Bench of this Court in Shashi Kumar Banerjee [Shashi Kumar Banerjee v. Subodh Kumar Banerjee, AIR 1964 SC 529] , where it was observed that the evidence of a handwriting expert can rarely be given precedence over substantive evidence. In the said case, the court chose to disregard the testimony of the handwriting expert as to the disputed signature of the testator of a will, finding such evidence to be inconclusive. The court instead relied on the clear testimony of the two attesting witnesses as well as the circumstances surrounding the execution of the will.”

9. That being the legal regime, in the case at hand, the appellate Court, initially, allowed the application filed by the petitioner. When the expert returned the document to send some more documents, the appellant could not send those documents. Since the revision petitioner could not take necessary steps, I.A.No. 84 of 2018, filed under Sec 45 of the I.E. Act, was dismissed. Later, he filed I.A.No.66 of 2021 to restore I.A.No.84 of 2018 and did not prosecute the same diligently. Hence, the I.A. was dismissed on 14.11.2024. Five months thereafter, the present application was filed to send the document to the expert.

10. Thus, in the sequence of events narrated supra, the petitioner is making applications one after another to procrastinate the appeal. The learned appellate court considered all the aspects and dismissed the I.A. Unless the order passed by the appellate Court smacks of illegality or perversity, in the

considered opinion of this court, the same cannot be interfered with by substituting another opinion.

11. In **Nandi Infrastructure Corridor Enterprises Ltd. and Another Vs. B.Gurappa Naidu and Others**², the Hon'ble Apex Court considered the scope of supervisory jurisdiction under Article 227 and summarised the principles as follows:

“35. In short, the principles laid down in the above matters, is as follows:

- a) The power of superintendence under Article 227 is not to be exercised unless there has been an (a) unwarranted assumption of jurisdiction, not vested in Court or tribunal, or (b) gross abuse of jurisdiction or (c) an unjustifiable refusal to exercise jurisdiction vested in Courts or tribunals.
- b) It is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record.
- c) The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal.”

² 2026 SCC OnLine SC 745

12. Keeping in view the expressions of the Hon'ble Apex Court and the discussion supra, this Court does not find any perversity or illegality in the orders passed by the trial Court warranting interference by this Court, while exercising the jurisdiction under Article 227 of the Constitution of India. There are no merits in the revision, and hence, it is liable to be dismissed.

13. Accordingly, the Civil Revision Petition is Dismissed. No costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

JUSTICE SUBBA REDDY SATTI

PVD

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No