



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

[3329]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

CIVIL REVISION PETITION NO: 3452/2025

Between:

1. BODDULURI BUSHARAO, S/O. HARI BABU, AGED ABOUT 42 YEARS, OCC CULTIVATION, R/O. IDUPULAPADU VILLAGE, INKOLLU MANDAL, PRAKASAM DISTRICT.

...PETITIONER

AND

1. KALLAM AYYAPPA REDDY DIED, (DIED)
2. SMT KALLAM SUBBAYAMMA, W/O. LATE AYYAPPA REDDY, AGED 65 YEARS, R/O. SUBBAREDDYPALEM, INKOLLU MANDAL, PRAKASAM DISTRICT.
3. KALLAM UDAYA BHASKARA REDDY, S/O. LATE AYYAPPA REDDY, AGED 47 YEARS, R/O. SUBBAREDDYPALEM, INKOLLU MANDAL, PRAKASAM DISTRICT.
4. ADAPA SRILAKSHMI, W/O. SURESH REDDY, AGED 43 YEARS, R/O. D.NO. 6-25/1, SIVALAYAM STREET, INKOLLU VILLAGE AND MANDAL, PRAKASAM DISTRICT.

...RESPONDENT(S):

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 Revision Petition is being preferred aggrieved by the order and decree dated 18.09.2025 passed in I.A.No.982 of 2025 in O.S.No.60 of 2019 on the file of the court of Learned Junior Civil Judge, Parchur, Prakasam 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 may be pleased to grant stay of all further proceedings in O.S.No.60 of 2019 on the file of the Court of Learned Junior Civil Judge, Parchur, Prakasam District, pending disposal of the main C.R.P and pass such

Counsel for the Petitioner:

1.NAGA PRAVEEN VANKAYALAPATI

Counsel for the Respondent(S):

1.

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**CIVIL REVISION PETITION NO:3452 OF 2025****ORDER:**

The present Civil Revision Petition is filed aggrieved by order dated 18.09.2025 passed in I.A.No.982 of 2025 in O.S.No.60 of 2019 on the file of Court of Junior Civil Judge, Parchur, Prakasam District.

2. Heard learned counsel for the petitioner.
3. For convenience of the Court, the parties are referred as, as mentioned in the present revision petition.
4. Learned counsel for the petitioner submits that the respondent No.1 herein/ plaintiff instituted a suit *vide* O.S.No.60 of 2019 on the file of the Court of Junior Civil Judge, Parchur against the petitioner herein/ defendant seeking for recovery of money due under promissory notes Ex.A1 and Ex.A2 dated 05.05.2016. The petitioner herein filed I.A.No. 982 of 2025 under Section 45 of the Indian Evidence Act, 1872 seeking to send the pro-notes i.e., Ex.A1 and Ex.A2 dated 05.05.2016 along with the signatures available in the served summons, Vakalath and Written Statement available on the file of this Court to the expert opinion. But the trial Court dismissed the said application against which the petitioner herein preferred the present revision petition.
5. Learned counsel for the petitioner further submits that the signatures does not belongs to the petitioner herein/ defendant and in order to prove

whether the signatures were forged or not, it is necessary to send Ex.A1 and Ex.A2 to the hand writing expert for comparison along with the signatures available in the written statement on the file of trial Court.

6. Learned counsel for the petitioner further submits that apart from the signatures of the petitioner on vakalath and written statement, admitted signatures of the petitioner are available with the bank where he got account. But the trial Court without considering the argument of the petitioner dismissed, the present application filed under Section 45 of the Indian Evidence Act, 1872 holding that the signatures of the petitioner on summons, vakalath, written statement are not contemptuous signatures of him who executed promissory notices in the year 2016. But the execution of written statement, vakalath happened in the year 2019. The gap period between the two signatures is only three years and the trial court erroneously dismissed the I.A.

7. He further submits that since the learned counsel for the petitioner also pleaded for providing a chance for comparison of admitted signatures of the petitioner with the signatures of his bank account, the same was also not considered by the trial Court. Hence, requested to remand the matter for fresh consideration for submission of admitted signatures by the petitioner.

8. On perusal of the material placed on record as well as the orders of the trial court, it is an admitted fact that the subject promissory notes were executed in the year 2016 and the admitted signatures of the petitioner which

were put forth before the trial Court are executed in the year 2019 i.e., vakalath and written statement of the Suit, where there is a gap of three (03) years for execution of two documents. It is settled law that, for the purpose of comparing admitted signatures with the contemporaneous signatures, the gap period should be within a period of two (02) years. Moreover, it is well known settled proposition of law that the signatures at written statement and vakalath cannot be considered as admitted signatures for comparison of the signatures of the petitioner. Even though it is settled law, filing of the present petition praying for comparison of the signatures with the alleged admitted signatures of the vakalath and written statement is contrary to law, which itself exposes the conduct of the petitioner and the present revision petition is filed only to drag the matter. As contended by the learned counsel for the petitioner he also pleaded in oral arguments, the petitioner is having admitted signatures with the bank where he opened an account, even without stating any particulars of the respective bank account in his affidavit to consider the plea of the petitioner to examine whether that are contemporaneous signatures or not cannot be sustained.

9. In view of the facts and circumstances as stated above, this Court is of the considered view that the orders of the trial Court does not warrants any interference by this Court.

10. Accordingly, the present revision petition is dismissed. However, if the trial court after completion of evidence of plaintiff and defendant comes to a conclusion that without expert opinion as pleaded by the petitioner herein, the

court is not in a position to resolve the dispute, the trial court is at liberty to order *suo moto* sending the admitted signatures for expert opinion in respect of the pro-notes i.e., Exs.A1 and A2 after providing admitted signatures by the petitioner. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

04.12.2025
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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

CIVIL REVISION PETITION No.3452 of 2025

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