

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

CIVIL REVISION PETITION NO: 1918 OF 2019

Petitioner under Article 227 of the Constitution of India against the Order dated 26.07.2019 Passed in I.A.No. 86 of 2019 in OS No. 123 of 2012 on the file of The Junior Civil Judge, at Vermulawada.

Between:

1. Prathapa Rajamouli, S/o. Ramakistaiah, aged about 69 years, Occupation. Retired Employee, R/o. H.No.1-7-60/5, Road No.14, Chaithanyapuri, Dilsukhnagar, Hyderabad.
2. Prathapa Shiva Prasad, S/o. Ramakistaiah, aged about 62 years, Occupation. Retired Employee, R/o. H.No.5-5-7/10-B/1, Chinthala Padmaraonagar, Kukatpalli, Hyderabad.
3. Lalitha Joshi, W/o. Madhusudhan Rao, aged about 51 years, Occupation. Household, R/o. Aloor (v) of Armour Mandal of Nizamabad District.

**...Petitioners/Petitioners
(Plaintiffs)**

AND

1. Prathapa Mrithyunjayam, S/o. Laxmirajam, aged about 88 years, Occupation. Retired Employee, R/o. H.No.9-2-24, 3addipoamma road, Vermulawada (v) and Mandal, District. Rajanna Sircilla.
2. Eega Shankar, S/o. Kashaiah, aged about 44 years, Occupation. Agriculture, R/o. H.No.8-2-24, Vermulawada (V) and Mandal, Karimnagar (now Rajanna Sircilla District).
3. Andrala Ashok, S/o. Pedda Kashiram, aged about 45 years, Occupation. Agriculture, R/o. Jayavaram (v) Mandal Vermulawada, Karimnagar District (now Rajanna Sircilla district).

**...Respondents/Respondents
(Defendants)**

I.A. NO: 1 OF 2019

Petition under Section 151 of 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.123 of 2012, on the file of the Junior Civil Judge, Vemulawada, pending disposal of the C.R.P.

I.A. NO: 1 OF 2021

Petition under Order 22 Rule 4 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioners herein to bring 1) Prathapa Rajamani, W/o. late Mrithyunjayam, 2) Prathapa Umesh, S/o. Late Mrithyunjayam, 3) Prathapa Santhosh, S/o. Late Mrithyunjayam, 4) Prathapa Sampath, S/o. Late Mrithyunjayam, 5) Panuganti Shailaja, W/o. Late Mahadev, D/o. Late Mrithyunjayam, 6) Balabhadra Patruni Sridevi, W/o. Purushotham, D/o. Late Mrithyunjayam, 7) Borancha Jayasri, W/o. Prakash, D/o. Late Mrithyunjayam, 8) Odela Surekha, W/o. Ravikumar, D/o. Late Mrithyunjayam as legal representatives of the deceased 1st respondent as respondents No.4 to 11 in the above C.R.P.No.1918 of 2019 and all miscellaneous petitions.

**Counsel for the Petitioners: Sri Vedula Venkataramana, Senior Counsel
representing M/s Bharadwaj Associates**

Counsel for the Respondent No.2: Sri. K.Ashok Reddy (No Representation)

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CIVIL REVISION PETITION No.1918 of 2019

Date: 26.03.2026

Between:

Prathapa Rajamouli and 2 others

... Petitioners

AND

Prathapa Mrithyunjayam and 2 others

... Respondents

ORDER

This Civil Revision Petition is filed under Article 227 of the Constitution of India aggrieved by the Order and Decree dated 26.07.2019 in I.A.No.86 of 2019 in O.S.No.123 of 2012 passed by the learned Junior Civil Judge, at Vemulawada.

2. Heard **Sri Vedula Venkataramana**, learned Senior Counsel representing **M/s. Bharadwaj Associates**, appearing for the revision petitioners and none appeared for the respondents. I have perused the entire material on record.

3. The brief facts of the case are that the petitioners herein filed the suit for specific performance of agreement of sale dated

10.02.1971 in respect of agricultural lands in S.No. 872, 873 and 880 admeasuring a total extent of Ac.1-30 guntas comprising the following extents in S.No.872 Ac.1-11 guntas, S.No.873 Ac.0-05 guntas, and in S.No.880, Ac.0-14 guntas, respectively in compact block, locally known as "MEDINOOTHI POLAM" situated at Vemulawada revenue Village and Mandal, Karimnagar District, fully described in the schedule annexed to this plaint, by directing defendant No.1 to execute a registered sale deed in favour of plaintiffs and by directing the defendant Nos.2 and 3 to join as co-vendors along with defendant No.1 in executing the said registered sale deed in favour of plaintiffs in respect of above suit schedule lands and for declaration that the registered sale deed bearing document No.705/2012 dated 08.02.2012 of the office of Sub-Registrar, Vemulawada said to have been executed by defendant No.1 in favour of defendant Nos.2 and 3 is null and void and not binding on the plaintiffs.

4. The defendants filed the written statement denying the averments contained in the plaint and also contended that the said agreement of sale and receipts allegedly passed by defendant No.1 are created, fabricated, and forged documents. Therefore, the petitioners/plaintiffs filed the present I.A.No.86 of 2019 filed

under Section 45 of the Indian Evidence Act, seeking relief to send the agreement of sale dated 10.02.1971 to the forensic lab to obtain the expert opinion, as defendant No.1 had denied its execution.

5. The point which has arisen for consideration before the learned trial Court is:

Whether the petitioner is entitled for sending the agreement of sale i.e., Ex.A5, receipts Exs.A22, A23 and A25 along with the admitted signature of the respondent No.1 and specimen signature and hand writing to the hand writing expert under Section 45 of the Indian Evidence Act or not?

6. Considering the contentions of both parties and material placed on record, the learned trial Court has dismissed the application by relying upon the judgments in **Ajit Savant Majagavi Vs. State of Karnataka**¹ and **Dhatla Lakshmipathi Raju Vs. P. Venkataramana** (the citation was not provided in the petition), as it would lead to abnormal delay in disposal of the case and the facts in the above said cases are similar to the present case.

7. Aggrieved by the same, the present revision petition is filed on the ground that the learned trial Court ought to have allowed

¹ 1997 (7) SCC 110

I.A.No.86 of 2019 for the purpose of sending the signatures appearing on the agreement of sale for comparison to the handwriting expert and further contended that the learned trial Court has committed a serious error in dismissing the petition which is unsustainable in law.

8. Admittedly, the present suit was filed in the year 2012, whereas the present application was filed in the year 2019 for the purpose of proving the execution of the agreement of sale. By the time of filing of the said application, the trial had already commenced and PW1 and PW2 were already examined.

9. Respondent/defendant No.1 filed a counter in IA No.86 of 2019 stating that the petition is filed after completion of the cross-examination of P.W.2 without any reasonable ground and there is no purpose for getting the opinion of the expert, because the alleged signature belongs to long back and that it cannot be compared with the recent signature of defendant No.1 and prayed to dismiss the petition.

10. Admittedly, the written statement was filed in the year 2013, after a lapse of nearly six years from the date of filing of the suit and that too after completion of the plaintiff's evidence and the present petition has been filed in the year 2019. The learned trial

Court came to the conclusion that, in view of the denial of execution of the agreement of sale by the respondent/defendant No.1, the cause for seeking expert opinion had arisen earlier. However, the plaintiff remained inactive for more than six years and chose to file the present application at the stage when the plaintiff's evidence had concluded. It was further observed that in such circumstances, the plaintiff cannot seek to invoke the provisions under Section 73 of the Indian Evidence Act at this belated stage.

11. This Court is also of the opinion that as it is pertaining to the comparison of the signatures in Ex.A5 and the attesting witnesses and scribe are also no more, and the father of defendant No.1 also no more, who allegedly executed the agreement of sale.

12. The finding given by the learned trial Court that there are no reasonable grounds to send the document to the experts, when admittedly alleged signature and handwriting pertaining to the year 1971 and it is a fact that handwriting and signature are subject to change by the passage of time and even though there is a provision under Section 73 of the Indian Evidence Act to compare the signature and handwriting, though as a matter of precaution, the same can be sent for the handwriting expert and

then send the document for the comparison, if the same cannot be compared by the Court with naked eye.

13. Considering the submissions made by the learned Senior Counsel and upon a careful consideration of the findings recorded by the learned trial Court, this Court does not find any reasonable grounds to interfere with the said findings and no interference is required in respect of the order passed by the learned trial Court and consequently, the present revision petition is liable to be dismissed.

14. Accordingly, this Civil Revision Petition is dismissed confirming the Order and Decree dated 26.07.2019 in I.A.No.86 of 2019 in O.S.No.123 of 2012 passed by the learned Junior Civil Judge, at Vemulawada. There shall be no order as to costs.

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

SD/- B.REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

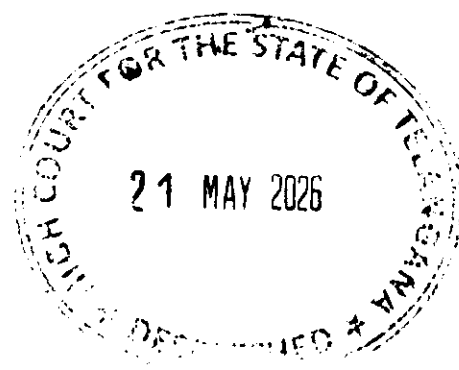
To,

1. The Junior Civil Judge, at Vemulawada.
2. One CC to M/S. Bharadwaj Associates, Advocate [OPUC]
3. Two CD Copies

 **GNK/KA**

HIGH COURT

DATED: 26/03/2026



ORDER

CRP.No.1918 of 2019

**DISMISSING THE CIVIL REVISION PETITION
WITHOUT COSTS**

5/17
28/11/26