

[3168]

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

**SATURDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CIVIL REVISION PETITION NO: 3396 OF 2025

Petition Under Article 227 of the constitution of India against the Order dated 18.08.2025 Passed in I.A. No. 283 of 2025 in O.S.No. 11 of 2024 on the file of the Court of the I Additional District Judge, Warangal,.

Between :

Munavath Sujatha, w/d. Narasimha, aged about 45 years, occ Ex-Sarpanch, R/o. H.No.2-19, Ganesh Kunta Thanda, Raiparthy Mandal, Warangal District.

...Petitioner/Respondent/Plaintiff

AND

Lakavath Sammakka, w/o. Bhaskar, aged about 32 years, occ Farmer, R/o. Lakavath Thanda, Pothireddypalli, Raiparthy Mandal, Warangal District

...Respondent/Petitioner/Defendant

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 the order in I.A.No.283 of 2025 in O.S.No. 11 of 2024 dated 18-08-2025 on the file of the I Additional District Judge, at Warangal, pending disposal of the CRP.

Counsel for the Petitioner : Sri Nadipally Ananda Rao

Counsel for the Respondents : - - -

The Court made the following : ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

CIVIL REVISION PETITION No.3396 OF 2025

ORDER:

Heard Sri Nadipally Ananda Rao, learned counsel for the petitioner.

2. Despite Service of notice, there is no representation on behalf of the respondent.

3. The petitioner herein has filed a suit vide O.S.No.11 of 2024 against the respondent herein seeking specific performance of agreement of sale dated 08.12.2021. In the said suit, respondent/defendant had filed written statement contending that the said agreement of sale dated 08.12.2021 is a fake one and she has disputed her signature on the said agreement of sale. According to the learned counsel for the petitioner, trial Court has framed issues and posted the suit for trial.

4. The respondent had filed an application under section 45 of the Indian Evidence Act, 1872, vide I.A.No.283 of 2025 in O.S.No.11 of 2024 contending that she is disputing her signature on the said agreement of sale, dated 08.12.2021 on the non-judicial stamp paper

dated 08.02.2021. Therefore, to prove the said contention, the said agreement of sale has to be sent to an expert for opinion.

5. The petitioner opposed the said application contending that the said application was filed at initial stage. It has to be filed after examination of witnesses.

6. Vide impugned order, dated 18.10.2025, learned I Additional District Judge, Warangal, allowed the said application holding that the respondent/defendant contended that she never executed any document in favour of the plaintiff and she disputed her signatures on the said agreement of sale, the said non judicial stamp paper does not belong to her, therefore, it has to be sent to an Expert for opinion. Accordingly, the trial Court sent the non judicial stamp paper/ agreement of sale dated 08.12.2021 to the Forensic Science Laboratory (FSL) along with the admitted signatures of the defendant, for comparison and opinion. Challenging the said order, the petitioner filed the present revision.

7. It is the specific contention of the petitioner herein/plaintiff that the trial Court has framed issues in the said suit and posted the suit for trial. Therefore, the respondent/defendant filed an application under Section 45 of the Indian Evidence Act, to send the said

agreement of sale on non-judicial stamp paper dated 08.02.2021 for comparison and opinion. It is a pre-mature stage. Without considering the same, learned trial Court had allowed the said application.

8. For the sake of convenience, the relevant provisions of the Indian Evidence Act, 1872 are extracted below:

"45. Opinions of experts. —When the Court has to form an opinion upon a point of foreign law, or of science, or art, or as to identity of handwriting or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in questions as to identity of handwriting or finger impressions are relevant facts. Such persons are called experts."

"73. Comparison of signature, writing or seal with others admitted or proved.—In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

This section applies also, with any necessary modifications, to finger-impressions.”

9. It is relevant to note that Section 45 of the Act, 1872, *inter alia*, provides that the Court can call for evidence of experts to form an opinion regarding the genuineness of signatures and handwriting which are relied on by one party and disputed by another party. It is also relevant to note that the power to seek expert opinion under Section 45 of the Act, 1872 is discretionary and depends on facts of each case. The Courts under Section 73 of the Act, 1872 can themselves compare the signatures or handwriting. However, the Supreme Court has time and again cautioned that Courts cannot act as experts in all the cases. Unless it is glaringly clear that the signatures are same or are different, the Courts should normally call for an opinion from the experts.

10. It is relevant to note that the Calcutta High Court in **Swamy Satyanand vs. Rajiv Ranjan Kumar Singh**¹ referring to the principle laid down by the Apex Court in **Dayamati Bai vs. K.M. Shaffi**² held as follows:-

“In this application in deciding the propriety of the said order it has to be seen as to whether the learned Court below was justified in entertaining the said application and directing appointment of an expert to examine the said

¹ 2012 (3) CLJ 600

² 2004 (7) SCC 107

signatures. It has to be kept in mind that the trial has not begun and the subject document is yet to be tendered and produced in evidence. Moreover, the petitioner has raised serious objection with regard to the admissibility of the said document on various grounds including insufficiency of stamp duty paid on the said document. The documents, with which the questioned document is directed to be compared and examined, is also not on record. In my view, when such issues are involved and the question of admissibility of the said document on the ground that the said document is forged, fabricated and insufficiently stamped has to be considered at the stage of marking such document as an exhibit and which issue is required to be decided at the stage when the said document is sought to be tendered as an exhibit. The trial Judge at the stage of admission of such documents and marking the said documents as exhibits could examine the said question and pass appropriate orders in exercise of its power under Sections 45, 47 and 73 of the Indian Evidence Act, 1872.

In the facts and circumstances of the case, it was open for the plaintiff to obtain any expert opinion on the questioned documents independently for the purpose of establishing its claim in the suit but at this stage having regard to the fact that there are serious questions raised with regard to the admissibility of the said document, the trial Court could not have, before deciding the said issue, directed appointment of an expert to compare the signatures with any other admitted signatures as was directed in the impugned order dated 14th June, 2011. The opposite parties urged that the original of the said agreement has been filed in the Court and, accordingly, without any order being passed by the learned Court, the said document cannot travel beyond the precinct of the Court premises even if the plaintiff wants the said document to be examined by an expert. There is some substance in the said argument. Since the said document is in the custody of the Court, it would be open for the opposite parties to file appropriate application before the trial Court for any such examination of such questioned document by any such person or institution claiming to be an expert on the field as the trial Court may think fit and proper and upon such application being made, the trial Court would consider the said prayer of the opposite parties in accordance with law. The Court at this stage cannot form any opinion with regard to the genuineness of the signature. In the course of the trial, it would always be open for the Court even suo motu to have an expert opinion on the questioned documents if the Court finds it relevant and required for proper adjudication of the issues involved in the suit. The power that has been exercised by the trial Court at this stage could be exercised after the said document is produced in evidence either at the instance of the parties or suo motu.

The learned Counsel for the petitioner, to my mind, is correct in his contention that the stage has not arrived for the Court to have an expert opinion on such questioned documents and signatures. The said order if allowed to stand may be prejudging the issue and would result in miscarriage of justice."

11. Coming to the case on hand, as rightly contended by the learned counsel for the petitioner/plaintiff, the said suit is posted for trial framing of issues. The trial Court has to record evidence of parties and thereafter, the defendant has to file the said application to send the said agreement of sale dated 08.12.2021 executed on non-judicial stamp paper dated 08.2.2021 for comparison and opinion. Without considering the said aspect, vide impugned order dated 18.08.2025 I.A.No.282 of 2025, learned trial Court directed to send the said agreement of sale dated 18.12.2021 to the Forensic Science Laboratory along with the admitted signatures of the defendant for

comparison and opinion. The trial court did not specify with regard to the admitted signatures of the defendant, for comparison and opinion. The trial Court has to specifically state with regard to sending the admitted signatures of the defendant either from the written statement or vakalath etc.

12. Learned trial court did not specify the details of Forensic Science Laboratory viz, Central or State and place etc.

13. Viewed from any angle, the impugned order dated 18.08.2025 passed in I.A.No.283 of 2025 in O.S.No.11 of 2024 by I Additional District Judge, Warangal, is on consideration of the above stated aspects. Thus, the same is liable to be set aside and accordingly, the same is set aside.

14. In the light of the aforesaid discussion, this revision is allowed. The order dated 18.08.2025 passed in I.A.No.283 of 2025 in O.S.No.11 of 2024 by I Additional District Judge, Warangal, is set aside and the same is dismissed. However, liberty is granted to the respondent/defendant to renew the request by filing an application at an appropriate stage to send the said agreement of sale dated 18.12.2021 to Expert for opinion. Learned trial Court to decide the same in accordance with law.

Consequently, pending miscellaneous petitions, if any, shall stand closed.

SD/- T. SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The the I Additional District Judge, Warangal.
2. One CC to Sri Nadipally Ananda Rao, Advocate [OPUC]
3. Two CD Copies

Svs/nvb



HIGH COURT

DATED:25/10/2025



ORDER

CRP.No.3396 of 2025

ALLOWING THE CRP

5
ASV
30/10/25