

Renu Devi Kedia Vs. Seetha Devi

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Court : Andhra Pradesh

Decided On : Aug-31-2004

Reported in : AIR2005AP180; 2004(5)ALD700; 2004(6)ALT429

Judge : B. Seshasayana Reddy, J.

Acts : [Evidence Act, 1872](#) - Sections 45

Appeal No. : CRP No. 3121 of 2004

Appellant : Renu Devi Kedia

Respondent : Seetha Devi

Advocate for Def. : Vilas V. Afzulpurkar, Adv.

Advocate for Pet/Ap. : Vedula Venkataramana, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

B. Seshasayana Reddy, J.

1. This civil revision petition is directed against the Order dated 25-6-2004 passed in I.A. No. 797 of 2004 in O.S. No. 241 of 1998 on the file of IV Senior Civil Judge, City Civil Court, Hyderabad, by which the learned Senior Civil Judge dismissed the

application filed under Section 45 of the Evidence Act.

2. Petitioner is the defendant and the respondent is the plaintiff in O.S. No. 241 of 1998. The plaintiff filed the suit for specific performance of agreement of sale dated 20-3-1995 (Ex.A-2). The defendant filed written statement disputing the agreement of sale. The defendant filed I.A. No. 797 of 2004 under Section 45 of the Evidence Act to send Ex.A-2 agreement of sale and receipt dated 20-3-1995 to handwriting expert. The respondent-plaintiff filed counter resisting the said application. The learned Senior Civil Judge, on hearing the Counsel for the parties and on considering the material on record, dismissed the application by Order dated 25-6-2004. Assailing the said Order, the defendant filed the civil revision petition.

3. The learned Counsel for the petitioner-defendant submits that the petitioner-defendant disputed the agreement of sale and took the plea of forgery and therefore, the disputed signatures appearing on agreement of sale and receipt dated 20-3-1995 are required to be examined by handwriting expert for his opinion. He further submits that the opinion of the handwriting expert helps the Court in coming to right conclusion in resolving the issues.

4. The learned Counsel for the respondent-plaintiff submits that the disputed signatures, which are to be compared with the admitted signatures are of the year 1995 and whereas specimen signatures obtained in the open Court are of the year 2004 and the gap of the two signatures is about nine years and in such a situation the opinion of the handwriting expert is not of much use in resolving the issues in the suit. In support of his submissions, reliance has been placed on the decision of our High Court in *Vadrevu Annapurna v. Vadrevu Bhima Sankara Rao and Ors.*, : AIR 1960 AP359 , wherein it has been held:

'It is not of much use to compare a signature of a person said to have been made in 1950 with that made six years earlier in 1944 as there is likely to be some change in the signature'.

5. Coming to the facts on hand, the disputed signatures are of the year 1995 and whereas the specimen signatures are of the year 2004, there is a gap of nearly

nine years between the two signatures. So far as signatures of the petitioners appearing in written statement etc., there is every possibility of his disguising his style of signature so as to make them dissimilar with the disputed signatures. Since there are no contemporaneous signatures for comparison with the disputed signatures, there is no useful purpose in sending the suit documents to an expert for his opinion. The Trial Court considered the matter in right perspective and dismissed the application. I do not see any valid ground to interfere with the impugned order.

6. Accordingly, the civil revision petition is dismissed.

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