HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.R.P. Nos.1964, 1965 and 1966 of 2025

Between:

1. PUVVADA VARALAKSHMI, W/O. LATE KOTESWARA RAO, AGED ABOUT 84 YEARS, HOUSEWIFE, R/O. BALAKRISHNAPURAM, 0PP. SATYAM THEATRE, ONGOLE, PRAKASAM DISTRICT.

2. PUVVADA RAJESH KUMAR,, S/O. LATE KOTESWARA RAO, AGED ABOUT 48 YEARS, R/O. ONGOLE, PRAKASAM DISTRICT.

3. SMT. PONNURI KALYANI,, D/O. LATE KOTESWARA RAO, AGED ABOUT 40 YEARS. HOUSEWIFE, R/O. 22/40, RAMAKRISHNA STREET, CHENNAI, TAMIL NADU.

4. SMT. PUVVADA SRISHA, , D/O. LATE KOTESWARA RAO, AGED ABOUT 46 YEARS. HOUSEWIFE, R/O. BALAKRISHNAPURAM, 0PP. SATYAM THEATRE, ONGOLE, PRAKASAM DISTRICT.

5. PUVVADA ANILKUMAR,, S/O. LATE KOTESWARA RAO, AGED ABOUT 44 YEARS. EMPLOYEE, WORKING AT BANGALORE, KARNATAKA.

...PETITIONER(S)

AND

PASUPULETI MALYADRI, S/o. Malakonaiah, Aged about 71 years, R/o. Kurnool Road Ongole, Prakasam District

…Respondent

DATE OF JUDGMENT PRONOUNCED: 31.12.2025

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

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JUSTICE VENKATESWARLU NIMMAGADDA

* **HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

+ C.R.P. Nos.1964, 1965 and 1966 of 2025

% 31.12.2025

PUVVADA VARALAKSHMI, W/O. LATE KOTESWARA RAO, AGED ABOUT 84 YEARS, HOUSEWIFE, R/O. BALAKRISHNAPURAM, 0PP. SATYAM THEATRE, ONGOLE, PRAKASAM DISTRICT & FOUR OTHERS

.. Petitioners

Vs.

$ PASUPULETI MALYADRI, S/o. Malakonaiah, Aged about 71 years, R/o. Kurnool Road Ongole, Prakasam District

.. Respondent

! Counsel for petitioner : Sri Anup Koushik Karavadi

^ Counsel for respondents: Sri K.G. Krishna Murthy, learned Senior Counsel on behalf of K. Raghu Veer, learned counsel for respondents.

? CASES REFERRED:

1. 1998 (1) APLJ 170 (11C)
2. CRP No.2620 of 2019, dated 18.04.2022 of A.P. High Court
3. W.P.No.3542 of 2006 of Bombay High Court at Nagpur Bench
4. 2008 (3) ALT 409
5. 2006 (5) ALT 17

APHC010404932025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3329]
(Special Original Jurisdiction)

WEDNESDAY,THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

CIVIL REVISION PETITION NO: 1964/2025

Between:

1. PUVVADA VARALAKSHMI, W/O. LATE KOTESWARA RAO, AGED ABOUT 84 YEARS, HOUSEWIFE, R/O. BALAKRISHNAPURAM, 0PP. SATYAM THEATRE, ONGOLE, PRAKASAM DISTRICT.

2. PUVVADA RAJESH KUMAR,, S/O. LATE KOTESWARA RAO, AGED ABOUT 48 YEARS, R/O. ONGOLE, PRAKASAM DISTRICT.

3. SMT. PONNURI KALYANI,, D/O. LATE KOTESWARA RAO, AGED ABOUT 40 YEARS. HOUSEWIFE, R/O. 22/40, RAMAKRISHNA STREET, CHENNAI, TAMIL NADU.

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5. PUVVADA ANILKUMAR,, S/O. LATE KOTESWARA RAO, AGED ABOUT 44 YEARS. EMPLOYEE, WORKING AT

BANGALORE, KARNATAKA.

...PETITIONER(S)

AND

1. PASUPULETI MALYADRI, S/o. Malakonaiah, Aged about 71 years, R/o. Kurnool Road Ongole, Prakasam District

...RESPONDENT

CIVIL REVISION PETITION NO: 1965/2025

Between:

1. SMT. PUVVADA VARALAKSHMI,, W/O. LATE KOTESWARA RAO, AGED ABOUT 84 YEARS, HOUSEWIFE, R/O. BALAKRISHNAPURAM, OPP. SATYAM THEATRE, ONGOLE, PRAKASAM DISTRICT.
2. PUVVADA RAJESH KUMAR,, S/O. LATE KOTESWARA RAO AGED ABOUT 48 YEARS, R/O. ONGOLE, PRAKASAM DISTRICT.
3. SMT. PONNURI KALYANI,, D/O. LATE KOTESWARA RAO, AGED ABOUT 40 YEARS. HOUSEWIFE, R/O. 22/40, RAMAKRISHNA STREET, CHENNAI, TAMIL NADU.
4. SMT. PUVVADA SRISHA,, D/O. LATE KOTESWARA RAO, AGED ABOUT 46 YEARS, HOUSEWIFE, R/O. BALAKRISHNAPURAM, OPP. SATYAM THEATRE, ONGOLE, PRAKASAM DISTRICT.
5. PUVVADA ANILKUMAR,, S/O. LATE KOTESWARA RAO, AGED ABOUT 44 YEARS. EMPLOYEE, WORKING AT BANGALORE, KARNATAKA.

...PETITIONER(S)

AND

1. PASUPULETI MALYADRI, S/o. Malakonaiah, Aged about 71 years, R/o. Kurnool Road, Ongole, Prakasam District.

...RESPONDENT

CIVIL REVISION PETITION NO: 1966/2025

Between:

1. PUVVADA VARALAKSHMI, W/O. LATE KOTESWARA RAO, AGED ABOUT 84 YEARS, HOUSEWIFE, R/O. BALAKRISHNAPURAM, 0PP. SATYAM THEATRE, ONGOLE, PRAKASAM DISTRICT.

2. PUVVADA RAJESH KUMAR,, S/O. LATE KOTESWARA RAO AGED ABOUT 48 YEARS, R/O. ONGOLE, PRAKASAM DISTRICT.

3. SMT. PONNURI KALYANI,, D/O. LATE KOTESWARA RAO, AGED ABOUT 40 YEARS. HOUSEWIFE, R/O. 22/40, RAMAKRISHNA STREET, CHENNAI, TAMIL NADU.

4. SMT. PUVVADA SRISHA,, D/O. LATE KOTESWARA RAO, AGED ABOUT 46 YEARS. HOUSEWIFE, R/O. BALAKRISHNAPURAM, 0PP. SATYAM THEATRE, ONGOLE, PRAKASAM DISTRICT.

5. PUVVADA ANILKUMAR,, S/O. LATE KOTESWARA RAO, AGED ABOUT 44 YEARS. EMPLOYEE, WORKING AT BANGALORE, KARNATAKA.

...PETITIONER(S)

AND

1. PASUPULETI MALYADRI, S/o. Malakonaiah, Aged about 71 years, R/o. Kurnool Road Ongole, Prakasam 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 topleased to set aside the Order dated 14-07-2025 in passed in I.A.N0. 829 of 2024 in O.S. No. 88 of 2010 on the file of the Court of the Additional Civil Judge (Senior Division), Ongole, consequently allow the said IA.No.829 of 2024 as prayed for, pass

Counsel for the Petitioner(S):

1. ANUP KOUSHIK KARAVADI

Counsel for the Respondent:

1. K RAGHU VEER

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

C.R.P.Nos.1964, 1965 and 1966 of 2025

This Court made the following

COMMON ORDER:

These instant Civil Revision Petitions are arisen out of dismissal of I.A.Nos.827, 828 and 829 of 2024 in O.S.No.88 of 2010 on the file of Additional Civil Judge (Senior Division), Ongole dated 14.07.2025.

2. I.A.No.827 of 2024 is filed under Order XVI Rule 6 of C.P.C praying to summon the District Registrar, Ongole to produce the Register containing signatures of petitioners' father. I.A.No.828 of 2024 is filed under Section 45 of the Indian Evidence Act with a prayer to send Ex.A1/Agreement of Sale along with Register of signatures to be produced by the Sub-Registrar, Ongole for examination to the Expert at Government finger Print Bureau, Mangalagiri. I.A.No.829 of 2024 is filed under Order XVI Rule 6 of C.P.C praying to summon Narendar Singh, Director, Document Division, Truth Labs, Hyderabad to produce the entire file No.TL/QD/182/HYD 2010 relating to its report/opinion dated

17.07.2010 in respect of Agreement of Sale dated 03.03.2005 and to give evidence.

3. Since the parties are one and the same in all present CRPs and reliefs sought under Order XVI Rule 6 of CPC and under Section 45 of Indian Evidence Act in one suit, therefore for better appreciation of evidence on record and due to the facts and issues are one and the same in the revision petitions, this Court is inclined to pass this common order:

4. Petitioners herein are defendants and respondent herein is the plaintiff in the suit. For the convenience of this Court the parties referred as they are in revision petitions.

5. Brief facts of the case are that respondent herein filed suit O.S.No.88 of 2010 on the file of the Additional Civil Judge (Senior Division), Ongole, filed against the petitioners herein seeking specific performance of an alleged Agreement of Sale dated 03.03.2005 (Ex.A1), purportedly executed by Late Puvvada Koteswara Rao, the father o the petitioner Nos.2 to 5 herein.

6. The petitioners herein filed their detailed counter denying the claim of the respondent and consistently pleaded that the Agreement of Sale (Ex.A1) is a forged and fabricated document and that their late father never executed the same. In order to substantiate their defence, the petitioners procured a certified copy of Ex.A-1 and forwarded it to Truth Labs, a well-known forensic analysis agency, for expert opinion. The report from Truth Labs dated 17.07.2010 clearly opined that the signature on Ex.A1 does not match the genuine signature of Late Koteswara Rao.

7. The respondent, however, opposed reliance on the said expert report on the ground that it was based on a certified photocopy and not through the Court process. Accordingly, the petitioners decided to follow due process and obtain the opinion of a government-recognized expert by forwarding the original Ex.A1 along with contemporaneous genuine signatures of Late Koteswara Rao to the Government finger Print Bureau, Mangalagiri.

8. On the other hand respondent/plaintiff filed his counter in the suit and stated that the petitioners' requests needs no consideration in view of the fact that the petitioners would have taken steps at

earliest point of time in this regard if really they extended to have the said relief from the Hon'ble Court. Evidence of respondent/plaintiff is already completed and DW1 was also examined. When the matter is posted for petitioners/defendants further evidence, they came with this petition. Not only this petition alone, but they filed multiple petitions at this stage without any legal right. Moreover the petitioners intend to summon the District Registrar to produce the register pertains to the sale deeds of 2005 as detailed in the petition affidavit. This effort of the petitioners is ambiguous and much time taking. The suit is of year 2010. To maintain these petitions at this stage, there are no special reasons for the petitioners. Petitioners cannot file multiple petitions at any stage of the suit of 2010 at their whims and fancies. So these petitions are intended to drag on the matter for further years though already more than 14 years elapsed.

9. Learned counsel for the petitioners submits that the present petitions under Order XVI Rule 6 of CPC as well as under Section 45 of the Indian Evidence Act, were necessitates to file these petitions since the respondent herein/plaintiff disputed the report of truth lab which was filed along with written statement. The petitioners

herein/defendants specifically stated in their written statement that the subject agreement of sale 2005 is forged and fabricated one, to prove the same basing upon the certified copy of the agreement of sale the expert analysis from truth labs were obtained and same were filed before the Court for consideration. It is settled law that there is no limitation for filing petitions under Order XVI Rule 6 as well as under Section 45 of Indian Evidence Act. Even in the present case the report of the Truth Labs were disputed by Respondent/Plaintiff, even though it is recognized and authenticated Labs for expert opinion and further evidence of DW1 is going on, it is pressed to file present applications seeking relief as mentioned above.

10. Learned counsel further submits that the subject suit is filed in the year 2010 alleging that deceased petitioners' father said to have been executed an agreement of sale in the year 2005. The circumstances itself shows that the respondent/plaintiff instituted suit with malafide intention and on the basis of forged and fabricated documents. Admittedly, petitioners' father died in the year 2009 and it is not in dispute that petitioners' father instituted several civil

proceedings against the respondent herein (who is the lessee of the suit schedule property) for eviction in respect of the very same suit schedule property which were decreed against the respondents. He also filed execution petitions, wherein the respondent herein was evicted and possession was handed over by the Courts to the petitioner. He further contended that to come out of these situations and as retaliation the respondent herein forged and fabricated the present agreement of sale as if it was executed in the year 2005 and filed the same after the death of petitioners' father in the year 2010 contrary to the limitation period as envisaged under Section 5 of Limitation Act.

11. He further contended that if the petitions are not allowed even though having stated in their written statement from the beginning that the subject agreement of sale which is a forged and fabricated and to substantiate the same the report of Truth Labs, Hyderabad were already filed. Since the same were disputed in cross-examination of the defendants/petitioners herein, left no other option except to file these petitions and sought for indulgence of this Court

to substantiate their contentions of forgery and fabrication and also he relied upon the following judgments.

(1) Chokka Krishna Prasad vs. Kotha Appa Rao[1]
(2) C.V. Subramanyam vs. G. Bhaskar and another[2]
(3) Satish Vs. Dilip Namdeo Nagarale[3]
(4)Janachaitanya Housing Ltd., Ameerpet vs. Divya Financiers[4]
(5) Guru Govindu vs. Devarapu Venkataramana[5]

12. Learned Senior Counsel for respondent submits that the subject petitions were filed after lapse of 1½ decade from the filing of the suit at belated stage with an intention to drag the matter for further time even after completion of the respondent/plaintiff's evidence and DW1. He further contended that the affidavit filed in support of the applications is not explained the delay in filing these petitions and these petitions were filed with malafide intention to drag the matter for further time which is contrary to the ratio laid down by the Hon'ble Apex Court as well as this Hon'ble Court.

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[1] **1998 (1) APLJ 170 (11C)**
[2] **CRP No.2620 of 2019, dated 18.04.2022 of A.P. High Court**
[3] **W.P.No.3542 of 2006 of Bombay High Court at Nagpur Bench**
[4] **2008 (3) ALT 409**
[5] **2006 (5) ALT 17**

13. He further argued that it is the burden of the respondent/plaintiff to prove the correctness and genuineness of the agreement of sale by adducing evidence and placing material before the Court in view of the allegation that the agreement of sale is forged and fabricated. Therefore, filing of these petitions may not necessary at this stage and meant for purely to drag the evidence of DW.2 and the proceedings of the suit. Hence the petitions are liable to be dismissed.

14. Heard learned counsel for the petitioners and learned Senior Counsel for respondent and perused the material placed on record.

15. The fact remains that the trial is going on and the matter was posted for evidence of DW.2. It is true that the defendants/petitioners herein filed written statement along with analysis report of the Truth Labs, Hyderabad which is a recognized scientific lab for rendering expert opinion. As contended by the learned counsel for the petitioners the petitions under Order XVI Rule 6 as well as under Section 45 of the Indian Evidence Act are can be filed at any stage before the judgment is valid and

sustainable merit submission in view of the ratio laid down by this Court in various judgments as mentioned below:

(a) In ***Chokka Krishna Prasad vs. Kotha Appa Rao***'s case **(Supra 1)** the erstwhile High Court of Judicature of Andhra Pradesh at Hyderabad held thus:

> "4. It must be remembered that the parties to the suit are at liberty to adduce oral and documentary evidence, whatsoever according to their choice in order to substantiate their case. The question of relevancy or validity of documents, after they are tendered in evidence, shall be considered by the Court in accordance with law. Before a document is summoned from the custody of any office, the Court cannot embark upon a duty to scrutinize or consider the legality or relevancy of the same before it is actually tendered" in evidence and Order 16 Rule 6 C.P.C. does not mandate this to the Court. Order 16 Rule 6 C.P.C. is in simple language wherein it is stated that any person may be summoned to produce a document without being summoned to give evidence and any person summoned merely to produce a document shall be deemed to have complied with the summons, if he causes such document to be produced instead of attending personally to produce the same. The affect of this Rule is that the Court has the authority to summon any person to be summoned to produce a document and if a document is produced or it is caused to be produced before the Court in compliance with such summons, it is due compliance of Order 16 Rule 6 C.P.C.
>
> 5. The rights of the parties or adjudication on the issues between the parties to the suit will be decided on consideration of all the material which is placed before the Court and a party cannot be restrained to call for the documents, which it feels that the said documents are relevant and necessary to substantiate its case."

(b) In **C.V. Subramanyam vs. G. Bhaskar'**s case **(Supra 2**) this Hon'ble Court held as under:

"8. In the present case, it would appear that the Trial Court has undertaken the exercise of examining the admissibility of the document at the threshold i.e., at the time of receiving the same, which is not sustainable. The parties to the suit are at liberty to adduce oral and documentary evidence, according to their choice in order to substantiate their case. The question of relevancy or validity of documents, after they are tendered in evidence, shall be considered by the Court in accordance with law. The Court cannot embark upon to scrutinize or consider the legality or relevancy of the same at the time of receiving them. Court can tentatively mark a document and examine the objection raised as to its admissibility along with pronouncement of Judgment *(See: 2015(3) ALT 575)*

(c) In **Satish Vs. Dilip Namdeo Nagarale'**s case **(Supra 3)**

Hon'ble High Court of Bombay at Nagpur Bench observed as under:

"5. Having heard the learned counsel for the parties and having gone through the impugned order, I find that there is merit in the submission of petitioner. Order 16, Rule 6 CPC provides for issuance of summons to produce document and under this provision, any person may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same. This rule does not restrict, its operation at the stage of evidence only and at any stage of the suit, the parties can have recourse to the said provision. The learned Trial Judge rejected petitioner's application on the ground that fact upon which doubt is thrown can be proved by oral evidence of parties; and therefore there is no need to call for document in question. This reasoning, in my opinion, does not stand to scrutiny of law. The provisions of Order 16 Rule 6 of the Code of Civil Procedure can be pressed into service at any stage of the merit. The suit has not reached at the stage of evidence. The application filed by petitioner for temporary injunction is pending and petitioner can rely on the document in question to prove his case. No prejudice will be caused to respondent if petitioner's application is allowed."

(d) In **Janachaitanya Housing Ltd., Ameerpet vs. Divya Financiers'**s case **(Supra-4)** the erstwhile High Court of Andhra Pradesh at Hyderabad held as under:

> "16. For the reasons aforementioned, we answer the reference thus: " No time could be fixed for filing applications under Section 45 of the Indian Evidence Act for sending the disputed signature or writings to the handwriting expert for comparison and opinion and same shall be left open to the discretion of the Court; for exercising such discretion when exigencies so demand, depending upon the facts and circumstances of the each case."

(e) In **Guru Govindu vs. Devarapu Venkataramana'**s case **(Supra-5)** the High Court of Andhra Pradesh at Hyderabad held thus**:**

> **"**4. The trial Court dismissed the application of the petitioner on two grounds. The first is that it was filed at a belated stage and the second is that in view of existence of power in the trial Court under Section 73 of the Act, it may not be necessary to accede to the request to send the documents to an expert's opinion. The first reasons assigned by the trial Court does not appear to be sound. It is not as if the application under Section 45 of the Act must be filed soon after the written statement is presented. There may be instances where the necessity to file such application would arise after the oral evidence of certain witnesses is over. In case, the party concerned is able to elicit necessary information or admissions during the course of evidence, the necessity to file an application under Section 45 of the Act may not arise. Nothing prevents the party to a suit to file an application under Section 45 of the Act, even at the stage of arguments."

16. On perusal of the judgments as extracted above, it is clear and categorical that petitions filed under Order XVI Rule 6 as well as

under Section 45 of the Indian Evidence Act are can be filed at any stage. In the case in hand the trial is going on and in view of denial regarding admission of report of Truth Labs, Hyderabad by the respondent herein, the subject petitions were filed to substantiate their contentions by way of other mode of expert opinion is valid and sustainable and in accordance with the judgments as referred above. The other contention of learned counsel for the petitioners is that the admitted signatures of the deceased petitioners' father available in the register at Registrar office in respect of sale deeds executed in the year 2005 which is a contemporaneous admitted signatures of the father of the petitioners in respect of the subject agreement of sale of the year 2005. Therefore, to prove the contention of the forgery and fabrication of the subject agreement of sale and due to dispute of the report of Truth Labs, Hyderabad seeking expert opinion under Section 45 of the Indian Evidence Act is appears to be valid and sustainable in the given facts and circumstances to prove his version as stated in the written statement itself.

17. The contention of the learned Senior Counsel for Respondent that the ratio relied upon by learned counsel for the petitioners in respect of judgment of High Court of Bombay at Nagpur Bench in ***Satish Vs. Dilip Namdeo Nagarale*** **(Supra 3)** is not at all applicable to the present facts of the case and it is only for the purpose of persuasive value since the same is rendered by High Court of Bombay. He also contended that the other judgments have no relevancy for the present facts of the case, are certainly appears as a formal statement rather than with specific observations.

18. As contended by learned Senior Counsel that the plaintiff's / respondent's evidence was already closed two years back and evidence of DW.1 already completed and the matter is posted for further evidence of DW.2 and filing of these petitions after 14 years of the suit is certainly at belated stage and with an intention to drag the matter is contrary to the law laid down by the Hon'ble Apex Court as well as this Court as stated above. Hence this contention of respondent counsel liable to be rejected on the sole ground that there is no period limitation or any stage to file both the applications under Order XVI Rule 6 and Section 45 of Indian Evidence Act and

admittedly the trial is going on and still Defendant's evidence is going on, therefore the entire argument of plaintiff/respondent on the ground of belated stage is not at all applicable due to the facts and circumstances of the case.

19. On the other hand, to substantiate his contention that the present application at belated stage and to drag the matter, he relied upon the decision as mentioned below:

(a) In **Hussain Bin Awaz vs. Mittapally Venkataramulu & others (Civil Appeal No.13354/2025** [SLP [c] No.21149/2024]) dated 04.11.2025 as extracted hereunder:

> "In a suit for declaration and injunction, it is for the plaintiff to prove his case. Section 45 read with Section 73 of the Act, can only be invoked for an admitted document for the purpose of comparison of signatures of handwriting"

(b) In similar circumstances, the High Court of Karnataka at Bengaluru in ***Shamim Ahamed and another vs. Mr. Mohd Haneef Quareshi*** (W.P.No.13508 of 2020 [GM-CPC]) (filed under Article 226 of the Constitution of India) held thus:

> "5. The suit of the respondent/plaintiff is for declaration that he is the owner of suit schedule property by cancelling the registered sale deed dated 24.05.2007. The burden is on the respondent/plaintiff to prove that the sale deed 24.05.2007 is the result of conspiracy, and is a created and

forged sale deed. When the burden is on the plaintiff to prove the issue with regard to prayer for declaration and cancellation it would not be for the petitioners/defendants to call Sub-Registrar and documents stated in I.A filed under Order XVI Rule 6 of CPC.

6. The trial Court is justified in rejecting the I.A. filed under Section 151 of CPC to reopen the stage for further evidence. A perusal of I.A. filed under Section 151 of CPC would indicate that reopening of the stage is sought only to examine the Sub-Registrar. This Court is of the opinion that the Sub-Registrar would not be necessary to be examined in the facts and circumstances of the case. The petitioners/defendants have not sought reopening of the stage for further examination and have not placed on record the list of witnesses."

(c) In **Dindi Kiran Kumar vs. Balaji Sankar Singh (CRP Nos.1215 and 1342 of 2022, dated 06.01.2023)** of this Hon'ble Court wherein this Hon'ble Court observed as under:

"5. The learned counsel for the respondent/plaintiff submits that the Court below rightly held that filing of the present applications filed under Section 45 of the Evidence Act, 1872 at the stage of arguments is only to drag on the matter. He further submits that as rightly held by the Court below, it has ample power under Section 75 of the Indian Evidence Act, 1872 to compare the signatures and thumb impressions out of the record. Therefore, in the event of difficulty in comparison, then only the reference to expert opinion would arise. He contends that there is every possibility of change of signatures if the timeline is very high. Even in the present case, the date of execution of the promissory note is 08.08.2016 and the petitioner/defendant sought for comparison of signatures in the year 2022."

(d) In **Gajavalli Bhaskar Rao vs. Pakanati Srinivasa Reddy** (CRP Nos.377 & 379 of 2023, dated 20.03.2023) this Hon'ble Court observed as under:

"6. Perused the record. The respondent/plaintiff filed O.S.No.158/2019 for recovery of money basing on promissory notes. In the said suit, the

petitioner filed one application vide I.A.No.50/2021 under Section 45 of Indian Evidence Act, 1872 read with Section 151 of CPC, 1908 and filed another application vide I.A.No.51/2021 under Order 16 Rule 6 read with Section 151 of CPC, 1908. A perusal of the affidavit filed in support of the said application states that the petitioner has not properly or categorically stated as to which cheque it has to be summoned from the bank. Further, the petitioner did not state that he has no other admitted signatures of the contemporary period available with him. In the absence of these grounds, the Court below has rightly dismissed the applications. This Court does not find any irregularity or impropriety and as there are no valid and justifiable grounds raised or urged in the present revision warranting the interference of this Hon'ble Court, these revisions are liable to be dismissed.

20. After having cursory look into the decisions as relied upon by the learned Senior Counsel for respondent as extracted above, the facts and circumstances as narrated in the above judgments are not at all applicable to the present case for the reasons that the filing of present petitions certainly not yet belated stage since the trial is going on in the subject matter even though the suit is lying pending since long period for the reasons best known to them. On the other hand, the filing of the present applications clearly and categorically substantiated by the petitioners herein since the respondent disputed the analysis report of Truth Labs, Hyderabad which is a part of the written statement. Moreover, the production of signatures of the deceased father of the petitioners which are available on the file of Sub-Registrar concerned are relating to for the year 2005

which would be contemporaneous to the agreement of sale of the year 2005. There is a foremost contention of the petitioners that the subject agreement of sale is forged and fabricated out of the prolong litigation between the respondent and deceased father of the petitioners herein, in which the respondent/plaintiff lost his contest.

21. For the reasons stated as above and after considering the ratios laid down by this Hon'ble Court as well as Ho'ble Apex Court as stated supra, the petitions filed by the petitioners herein are certainly within the appropriate time and should be required to substantiate their contention of the forgery and fabrication in the light of dispute regarding Truth Lab report by the respondent and there is possibility due to long standing commercial relation and prolonged litigations between the parties for manufacturing documents with an evil intention to defeat the interest of others and also out of personal score.

22. Accordingly, C.R.P.Nos.1964, 1965 and 1966 of 2025 are allowed by setting aside the orders dated 14.07.2025 in I.A.Nos.827, 828 and 829 of 2024 in O.S.No.88 of 2010 passed by learned Additional Civil Judge, (Senior Division), Ongole. However, in view

of considering the age of the suit, the Court below specifically directed to complete the trial as expeditiously as possible i.e., not later than nine (09) months from the date of receipt of copy of this order. Both the counsel are specifically agreed to cooperate with the Court below and do not request for time for chief or cross-examination hereinafter for speedy disposal without creating unnecessary hurdles.

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

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VENKATESWARLU NIMMAGADDA, J

Dt: 31.12.2025
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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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C.R.P.Nos.1964, 1965 and 1966 of 2025

Dt:31.12.2025
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