APHC010122872026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3330]**
(Special Original Jurisdiction)

FRIDAY, THE 25th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No. 769 OF 2026 AND 767 OF 2026

C.R.P. No.769 of 2026

BETWEEN:

1. S RAHAMATHUNNISA BEGUM, W/o.ZAKARIA, AGED ABOUT 54 YEARS. PHYSICAL EDUCATION TEACHER, R/o. D.No.20/175-3, AKULA STREET, KADAPA, Y.S.R. KADAPA DISTRICT- 516001.

...PETITIONER

AND

1. S KHAJA MOHIDDIN, HAVING DIED HIS L.RS DEFENDANTS 6 AND 7.
2. S IMAM VALI, S/o. HASAN SAB, AGED ABOUT 58 YEARS. BUSINESS, R/o. D.No.9/35, BHAVANI NAGAR, NEAR RAMA KRISHNA JUNIOR COLLEGE, MOCHAMPET, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.
3. S KARUNAKAR, S/o. MUNISWAMY, AGED ABOUT 50 YEARS. PRINCIPAL, R/o. D.No.20/543, CO-OPERATIVE COLONY, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.
4. P MAHATHI, W/o. SUBBARAJU, AGED ABOUT 32 YEARS. HOUSE WIFE, R/O C.K. DINNE MANDAL, C/O P. SUBBARAJU, D.NO.11/09-B, KUMMARAKUNTA, NEAR PEDDA DARGA, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.
5. S PYARIJAN, W/o.JAFFAR VALLI, AGED ABOUT 38 YEARS. R/OD.NO. 10/437, BELLAM MADI STREET, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.
6. S KALIM MOHIDDIN, S/o. LATE KHAJA MOHIDDIN, AGED ABOUT 31 YEARS, R/o.D.No.3/314, NAIK SAB STREET, BEHIND SAI BABA THEATER, RAILWAY STATION ROAD, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.

7. S TASLIM TAZ, D/o.LATE KHAJA MOHIDDIN, W/o. SIBHAKTHULLA, HUSBANDS PROTECTION, R/o. D.No.3/314, NAIK SAB STREET, BEHIND SAI BABA THEATER, RAILWAY STATION ROAD, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.
8. SYED SARTAJ BEGUM, W/o. SHAIK NAZEER BASHA, AGED ABOUT 30 YEARS, R/o. D.No.5/204-3, KOTAGADDA STREET, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.
9. SHAIK KHALEEL MOHIDDIN, S/o.LATE SHAIK KHAJA MOHIDDIN, AGED ABOUT 32 YEARS, R/o. D.No.11/181, AMEENPEER ROAD, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.
10. SHAIK QAMURTAJ, W/o. SHAIK SHABEER, AGED ABOUT 29 YEARS, R/o. D.No.8/156-1, RAVEENDRA NAGAR, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516003.
11. SHAIK SAIRATAJ, W/o. SHAIK MASTAN AGED ABOUT 24 YEARS, R/o. D.No. 10/142, BELLAM MUNDY STREET, KADAPA CITY Y.S.R. KADAPA DISTRICT- 516001.
12. S SALEEMUNNISA, S/o. S. KHAJA PEER, AGED ABOUT 64 YEARS, R/o. D.No.27/27, NAIK SAHEB STREET, RAYACHOTY POST, Y.S.R. KADAPA DISTRICT- 516269.
13. S RAHATHUNISA, W/o. C.N. YASHIN, AGED ABOUT 68 YEARS. HOUSE WIFE, R/o. D.No.20/153, B.K.M. STREET, KADAPA CITY, Y.S.R. KADAPA DISTRICT- 516001.

...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 SET ASIDE the common order dt.23-01-2026 passed in I.A.No.420/2025 in O.S.No.304/2007 on the file of Hon'ble Additional Senior Civil Judge, Kadapa and allow the same and pass such other order or orders.

Counsel for the Petitioner:

1. A SYAM SUNDAR REDDY

Counsel for the Respondent(S):

1.
2. K SOUNDARYA

The Court made the following:

COMMON ORDER:

Since the issue in both the Civil Revision Petitions is one and the same, heard analogously and are decided by the common order. For the sake of convenience, the facts in C.R.P. No. 769 of 2026 are being taken for disposal of these two Civil Revision Petitions.

2. The petitioners herein are plaintiffs in O.S. No.304 of 2007, on the file of the Additional Senior Civil Judge, Kadapa. The said suit is filed to declare them as absolute owners of the suit schedule properties and consequential relief of injunction not to interfere with suit schedule properties. The plaintiffs claims that, 1st plaintiff has purchased suit schedule property from the 1st respondent / defendant-1, through registered sale deed and contended that General Power of Attorney said to be executed in favour of the 2nd defendant is a fake document and the said GPA is created by the 2nd defendant in favour of the 3rd defendant authority and the alleged forged GPA is invalid and does not affect rights of the plaintiffs.

3. In order to prove the General Power of Attorney as a fake and forged document, the petitioners/plaintiffs have filed I.A. No.182 of 2023 and 184 of 2023 to send the documents to the Director of Finger Print Bureau, to compare the signature pertaining to the document dated 18.01.1999, on the GPA and the said applications were allowed. The finger print expert opined that unless the expert was supplied with the

necessary thumb impression registers, opinion could not be given on an illegible document.

4. The petitioner has come up with the present applications i.e. I.A. No. 421 of 2025 filed under Order 16 Rule 6 and 7 r/w 151 of CPC with a prayer that the Joint Sub-Registrar Office, Kadapa, may be summoned to produce the document, for the purpose of sending it to an expert for analysis of the original thumb impression register containing the Left Thumb Impression of deceased Zahida Begum @ Shahida Begum in relation to document bearing No.110 of 1986, for comparison of the said thumb impression for the scientific examination and expert opinion under Section 45 of the Indian Evidence Act vide I.A. No.420 of 2025.

5. The learned trial Court judge has dismissed the said applications *inter alia* observing that the opinion of the expert is a piece of corroborative evidence rather than conclusive proof. Under such circumstances, the Court observed that these applications are filed purportedly to drag on the proceedings at the fag end of the trial when the matter is coming-up for arguments of plaintiffs, and for sending the document for the expert opinion was not substantiated by any strong reason or any cogent reason and the provisions of the Section 45 of the Indian Evidence Act cannot be misused and it cannot be misused or resorted to by the plaintiff. Accordingly, the two I.A.'s were dismissed as it is devoid of merit, vide order dated 23.01.2026.

6. The said common order dated 23.01.2026 assailed in the present Civil Revision Petition under Article 227 of the Constitution of India on the ground that the trial Court ought not to have been dismissed the applications, stating that the expert opinion is only mere a corroborative piece of evidence and it is not conclusive proof" and placed reliance of the orders of this Court in C.R.P. No.3196, 3197 of 2025 dated 10.07.2026. A coordinate Bench of this Court, has allowed the application opining that science of identifying thumb impression is an exact science placing reliance of the Judgment of the Apex Court in the case of ***Jaspal Singh Vs. State of Punjab***[1]**.** The Apex Court observed thus:

> "*The science of identifying thumb impression is an exact science and does not admit of any mistake or doubt*"

7. And the counsel also relied on one paragraph from the above order and the learned Judge has quoted an Article which reads thus:

> "In a Research article on Impact of aging on fingerprint ridge density; Anthropometry and forensic implications in sex inference, published by Elsevier, Volume 58, Issue 5, it was reads thus:
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> "Over the years, the ridges' surface tends to flatten because of a combination of epidermal atrophy and the remodeling of the dermal papillae. This flattening of the epidermal ridges occurs slowly over several decades and does not affect the ridges' pattern. However, as the ridges flatten, their sharpness decreases. This complicates

[1] (1980)1 SCC 487

tracking ridges and furrows in a fingerprint and is a handicap when it comes to estimating the ridge density of older individuals"

8. The above research article is not applicable to the present facts of the case.

9. And also relied on the order in C.R.P. No.223 of 2020 for the proposition that the opinion of the expert ultimately helps and assist the Court in arriving at the truth in relation to the documents and also relied on the order in C.R.P. No.242 of 2019 of a coordinate Bench of this Court for the proposition that mere fact that there is a delay or laches on the part of the plaintiffs in filing the petition cannot be a sole ground to reject the request and when the Court finds that it is essential to send the document for examination by the Expert in the facts and circumstances of the case, the same can be entertained even after at a belated stage.

10. And the counsel appearing for the petitioner contended that the very dismissal order of the Trial Court is contrary to the order dated 27.09.2023 in C.R.P. No.242 of 2019. Hence, prayed to allow the C.R.Ps setting aside the trial Court orders and to direct the trial Court to send the documents to the expert opinion.

11. Per contra, learned counsel for the respondents/defendants relied on the Judgment of the Hon'ble Apex Court in ***Gastrade International v. Commissioner of Customs, Kandla***[2] and the relied para is extracted as

[2] (2025) 8 SCC 342

follows: *The Apex Court held that the opinion of the experts, however weighty they may be, are not binding on the court and is only relevant for the court to consider it to come to a final decision on any fact in issue. However, since courts are not experts in the discipline of science, they ordinarily accept the scientific report and act upon it. But where the expert opinion suffers from certain shortcomings or ambiguities, lack of clarity, or inadequacy, it would be subject to judicial scrutiny and it would not be safe to rely wholly on the same under such circumstances*.

12. Heard Sri A. Syam Sundar Reddy, learned counsel for the petitioner and Mrs. K Soundarya, learned counsel for the respondent No. 5 and Sri W.V.B. Shravan, learned counsel for respondent Nos.12 and 13 legal heirs of 1st respondent/defendant in the suit.

13. The learned trial Court has dismissed the application on three grounds: (i) The Court allowed the application filed for the same relief previously and the expert has opined that unless the expert was supplied with the necessary thumb impression registers, a legible opinion could not be given. (ii) These applications filed purportedly to drag on the proceedings at the fag end of the trial when the suit is coming up for the arguments of the plaintiffs. (iii) Expert opinion is a piece of corroborative evidence rather than conclusive proof.

14. Moreover the counsel Sri W.V.B. Shravan who filed appearance for respondent Nos.12 and 13 who are the legal heirs of the deceased 1st

respondent/defendant has stated that their parents have not executed any GPA in favour of the claiming defendant and the said document is fabricated.

15. A Division Bench of erstwhile High Court of Andhra Pradesh, in the case of ***Janachaitanya Housing Limited, Ameerpet, v. Divya Financiers***[3], held that *"No time could be fixed for filing applications under Sec. 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;."*

16. The Hon'ble Apex Court in ***Jaspal Singh v. State of Punjab*** (supra 1) held that the science of identifying thumb impression is an exact science and does not admit of any mistake. The expert has also opined that unless the expert was supplied with the necessary thumb impression registers, a legible opinion could not be given. If these documents appear to be legible, they cannot be denied. Because the suit is for a declaration of title, and according to the argument of the counsel for respondent Nos.12 and 13 (who are legal heirs of the deceased 1st defendant) the GPA is fabricated document then the petitioner will suffer irreparable loss. The very dismissal of applications on the ground of delay is unsustainable in law and the observation of the trial court is contrary to law.

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[3] 2008 SCC OnLine AP 162

17. Therefore, this Court is inclined to set aside the impugned orders passed by the trial Court vide common order dated 23.01.2026 and remand back to the trial Court to consider afresh. This Court is of the opinion that any observation made by this Court for setting aside the order is only for disposal of these two C.R.Ps. and the trial Court is directed to consider the case on its own merits.

18. With the above said observation, the Civil Revision Petitions are allowed and the impugned orders are hereby set aside. However, no order as to costs.

19. As a sequel, interlocutory applications, if any, pending in this Civil Revision Petitions shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 25.09.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

C.R.P.Nos. 769 and 767 OF 2026

Date: 25-09-2026

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