



HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

+ CIVIL REVISION PETITION No.391 of 2018

Between:

Chalamalasetty Gandhi, S/o. Kakula Swamy

... Petitioner

And

\$ Badiga Subrahmanyam, S/o. Bhaskara Rao
Hindu, aged 52 years, Business,
R/o. Lakshmi Ganapathi Films, 7E/1/Site II,
Film Nagar, Opp: Electricity Board,
Hyderabad.

.... Respondent

JUDGMENT PRONOUNCED ON **14.06.2023**

THE HON'BLE DR.JUSTICE K. MANMADHA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? - Yes -
2. Whether the copies of judgment may be marked
to Law Reporters/Journals - Yes -
3. Whether Their Ladyship/Lordship wish to see
the fair copy of the Judgment? - Yes -

DR.JUSTICE K. MANMADHA RAO



*** THE HON'BLE DR.JUSTICE K. MANMADHA RAO**

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.... Respondent

! Counsel for the Petitioner : Sri Narasimha Rao Gudiseva

^Counsel for Respondent:

<Gist :

>Head Note:

? Cases referred:

1. 2014 (1) ALT 636

**HON'BLE DR. JUSTICE K. MANMADHA RAO****CIVIL REVISION PETITION No.391 of 2018****ORDER :**

This Civil Revision Petition is filed by the petitioners against the Order and decree, dated 07.12.2013 passed in I.A.No.340 of 2017 in O.S.No.197 of 2013 on the file of the Court of Additional Senior Civil Judge, Machilipatnam (for short "the trial Court").

2. Heard Mr. Narasimha Rao Gudiseva, learned counsel appearing for the petitioner and perused the material available on record.

3. The petitioner herein is the plaintiff and the respondent herein is the defendant in the O.S No.197 of 2013. The said I.A.No.340 of 2017 was filed by the respondent/defendant to send the promissory note (Ex.A1) to handwriting Expert to decide the age of the signature of the respondent/defendant including the age of the ink are the same and further to decide the age of the ink in the rest of body including the age of the writings filled in the columns of Ex.A1-Promissory note. After careful



examination of the evidence on record and on considering the submissions, the trial Court allowed the said application. Aggrieved by the same, the present civil revision petition is filed.

4. Learned counsel for the petitioner submits that the order passed by the trial Court is contrary to law, weight of evidence and probabilities of the case. He further submits that the trial Court ought not to have allowed the petition to send Ex.A1 promissory note to the Handwriting expert to decide the age of the signature of the respondent/defendant including the age of Ink of the same and further to decide the age of the ink in the rest of the body including the age of writings filed the other columns of Ex.A1 promissory note and to submit his report into the Court as the respondent/defendant himself has admitted his signature, hence he is stopped to raise such a ground. he further submits that the trial Court erred in allowing the petition, in fact no reasons have been assigned simply mentioned the contents of affidavit and counter and simply jumped into conclusion and allowed the petition without any valid reasons. Hence, learned counsel prayed to allow the present



revision petition by setting aside the impugned order passed by the trial Court.

5. On hearing the submissions of learned counsel for the petitioner, this Court observed that the respondent/defendant filed the petition with an intention to protract the litigation even though the petitioner/plaintiff categorically admitted his signature on Ex.A1 promissory note.

6. In a case of **Kambala Nageswara Rao vs. Kesana Balakrishna**¹, wherein the High Court of Andhra Pradesh held that :

“The application, no doubt, is filed under Section 45 of the Act, and it is not uncommon that such applications are filed in the suits for recovery of money on the strength of promissory notes. However, the prayer in the IA is some-what peculiar. Even while not disputing his signature on the promissory note, the petitioner wanted the age thereof to be determined. Several complications arise in this regard. The mere determination of the age, even if there exists any facility for that purpose; cannot, by itself, determine the age of the signature. In a given case, the ink, or for that matter, the pen, may have been manufactured several years ago, before it was used, to put a signature. If there was a gap of 10 years between the date of manufacture of ink or pen, and the date on which, the signature was put or document was written, the document cannot be said to have been executed or signed on

¹ 2014(1)ALT 636



the date of manufacture of ink or pen. It is only in certain forensic cases, that such questions may become relevant.

7. On a perusal of the entire material available on record and on perusing the citation referred to above, this Court observed that, the mere determination of the age, even if there exists any facility for that purpose; cannot, by itself, determine the age of the signature. In the present case the respondent/defendant himself has admitted his signature. It is further observed that, the ink, or for that matter, the pen, may have been manufactured several years ago, before it was used, to put a signature. If there was a gap of 10 years between the date of manufacture of ink or pen, and the date on which, the signature was put or document was written, the document cannot be said to have been executed or signed on the date of manufacture of ink or pen. It is only in certain forensic cases, that such questions may become relevant. This Court further observed that, the trial Court has not assigned any reasons while allowing the petition simply allowed the application which is not at all correct and proper.



8. In view of the foregoing discussion, this Court is of the considered view that while setting aside the impugned order passed by the trial Court, deems fit to allow the present revision petition.

9. Accordingly, the Civil Revision Petition is allowed. The impugned order dated 07.12.2017 passed in I.A No.340 of 2017 in O.S.No.197 of 2013 by the trial Court is hereby set aside. Further, since the suit pertains to the year 2013, the trial Court is directed to dispose of the same as expeditiously as possible preferably within a period of three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

DR. K. MANMADHA RAO, J.

Date : 14 -06-2023

Note : L. R copy to be marked.

(b/o)Gvl



HON'BLE DR. JUSTICE K. MANMADHA RAO

CIVIL REVISION PETITION No.391 of 2018

Date : 14 .06.2023

Gvl

