

**HIGH COURT OF ANDHRA PRADESH**  
**MONDAY ,THE THIRD DAY OF APRIL**  
**TWO THOUSAND AND TWENTY THREE**

**PRSENT**

**THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI**  
**CIVIL REVISION PETITION NO: 2716 OF 2015**

**Between:**

1. AINAMPUDI LALITHA PRASAD, E.G.DIST S/o Sarveswara Rao,  
Aged about 50 years, HinduBusiness,  
R/o D.No. 66-1-5/1, Venkatjuram,  
Ramadasupeta, Rajahmundryo  
East Godavari District.

**...PETITIONER(S)**

**AND:**

1. GONELA SUBRAMANYAM, E.G.DIST S/o Venkataratnam,  
Aged about 59 years, Hindu, Business,  
R/o D.No.64-37-12, Ratnampeta,  
Rajahmundry, East Godavari District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): CHANDRA SEKHAR ILAPAKURTI**

**Counsel for the Respondents: VENKAT CHALLA**

**The Court made the following: ORDER**

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

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**CIVIL REVISION PETITION NOS.2716, 2736 & 3228 OF 2015**

**(In CRP No.2716 of 2015)**

**Between:**

Ainampudi Lalitha Prasad, S/o. Sarveswara Rao, 50 years,  
Hindu, Business, R/o. D.No.66-1-5/1, Venkatapuram,  
Ramadasupeta, Rajahmundry, East Godavari District.

... Petitioner

*Versus*

Gonela Subramanyam, S/o. Venkataratnam, 59 years,  
Hindu, Business, R/o.D.No.64-37-12, Ratnampeta,  
Rajahmundry, East Godavari District.

... Respondent

**(In CRP No.2736 of 2015)**

**Between:**

Ainampudi Lalitha Prasad, S/o. Sarveswara Rao, 50 years,  
Hindu, Business, R/o.D.No.66-1-5/1, Venkatapuram,  
Ramadasupeta, Rajahmundry, East Godavari District.

... Petitioner

*Versus*

Gonela Subramanyam, S/o. Venkataratnam, 59 years,  
Hindu, Business, R/o. D.No.64-37-12, Ratnampeta,  
Rajahmundry, East Godavari District.

... Respondent

**(In CRP No.3228 of 2015)**

**Between:**

Ainampudi Lalitha Prasad, S/o. Sarveswara Rao, 50 years,  
Hindu, Business, R/o. D.No.66-1-5/1, Venkatapuram,  
Ramadasupeta, Rajahmundry, East Godavari District.

... Petitioner

*Versus*

Gonela Subramanyam, S/o. Venkataratnam, 59 years,  
Hindu, Business, R/o. D.No.64-37-12, Ratnampeta,  
Rajahmundry, East Godavari District.

... Respondent

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DATE OF ORDER PRONOUNCED : 03.04.2023.

SUBMITTED FOR APPROVAL:

**THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

1. Whether Reporters of Local Newspapers  
may be allowed to see the Order? Yes/No
2. Whether the copy of Order may be  
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the  
fair copy of the Order? Yes/No

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**B.V.L.N.CHAKRAVARTHI, J**

**\* THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**  
**+ CIVIL REVISION PETITION NOs.2716, 2736 & 3228 OF 2015**

**% 03.04.2023**

**(In CRP No.2716 of 2015)**

**#Between:**

Ainampudi Lalitha Prasad, S/o. Sarveswara Rao, 50 years,  
Hindu, Business, R/o. D.No.66-1-5/1, Venkatapuram,  
Ramadasupeta, Rajahmundry, East Godavari District.

... Petitioner

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Rajahmundry, East Godavari District.

... Respondent

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Hindu, Business, R/o.D.No.66-1-5/1, Venkatapuram,  
Ramadasupeta, Rajahmundry, East Godavari District.

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*Versus*

Gonela Subramanyam, S/o. Venkataratnam, 59 years,  
Hindu, Business, R/o. D.No.64-37-12, Ratnampeta,  
Rajahmundry, East Godavari District.

... Respondent

**! Counsel for the Revision-petitioner :: Sri Chandra Sekhar  
in CRP Nos.2716, 2736 & 3228 of  
2015 Ilampakurti**

**^ Counsel for the Respondent in CRP :: Sri Ch.Dhanamjaya  
Nos.2716, 2736 & 3228 of 2015**

**< Gist:**

**> Head Note:**

**? Cases referred:**

- 1. 2006 (4) ALD 295.**
- 2. 2021 SCC OnLine AP 3670.**
- 3. 2015 (1) ALD (CrI.) 995.**

This Court made the following:

**THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTI**  
**CIVIL REVISION PETITION NOS.2716, 2736 & 3228 of 2015**

**COMMON ORDER:**

Heard Sri Chandra Sekhar Ilapakurti, learned counsel for revision-petitioner/respondent/defendant and Sri Venkat Challa, learned counsel for respondent/petitioner/plaintiff.

2. Applications in I.A.Nos.241, 242 and 243 of 2015 are filed by the respondent/petitioner/plaintiff under Section 45 of the Evidence Act, 1872 to obtain handwriting of revision-petitioner/respondent/defendant and send the disputed signatures on the promissory note to the Handwriting Expert for comparison with the admitted signatures and give opinion.

3. The Trial Court 'Allowed' the applications on 21.04.2015, though the revision-petitioner/respondent/defendant raised objection that the signatures on photocopy cannot be compared with the signatures available on disputed documents.

4. The learned counsel for revision-petitioner would submit that the respondent/petitioner/plaintiff did not take any steps to get original of the photocopy filed in the Court to send the

original to the Expert for comparison of the handwriting and signatures available on a photocopy cannot be made by an Expert. In support of his arguments, he relied upon the Judgment of this Court in **Bheri Nageswara Rao vs. Mavuri Veerabhadra Rao and others**<sup>1</sup> at para Nos.4 and 5 held as under:

“4. Section 45 of the Act enables the Court to obtain the opinion of an expert on various aspects, including the one relating to the comparison of disputed signatures. An expert would be in a position to render his opinion, only when the original of the document containing the disputed signature is forwarded to him. Further, there can be effective comparison and verification of the signatures, if only another document containing the undisputed signatures of the contemporary period are made available to the expert.

5. The opinion of a hand writing expert involves the analysis of the slant, which a person uses in the matter of putting his signature, and in some cases, the point of time, at which it may have been subscribed. These analyses would become possible only vis-a-vis an original signature; and the signature mark, on a Xerox copy of a document can never constitute the basis.”

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<sup>1</sup> 2006 (4) ALD 295.

5. In the light of above contentions, the point for consideration is as under:

**“Whether the Trial Court committed any irregularity in the Common Order passed in I.A.Nos.241, 242 and 243 of 2015 in O.S.No.695 of 2006, dated 21.04.2015?”**

6. **P O I N T**: -

In the case on hand, admittedly, the respondent/petitioner/plaintiff filed certified photocopy of Registered Sale Deed, dated 23.11.2005, stating that it contains the signatures of the revision-petitioner/defendant and those signatures can be compared with the disputed signatures available on the suit promissory note. The revision-petitioner/defendant raised an objection that the signatures available on a photocopy are not fit for comparison and no purpose would be served by sending the photocopy to the Expert. *In spite* of said objection, the plaintiff did not take any steps for production of the original document, as per law.

7. The learned Trial Judge while rejecting the contention of the revision-petitioner/defendant held as under:



*“It is the duty of the Expert to say whether the said signature is fit for examination or not. Further, while deposing as D.W.1, the defendant/respondent reported that he has no objection to send the disputed signature to the expert.”*

8. Not only in the case relied on by the learned counsel for revision-petitioner/defendant, which was referred supra, this Court also in **T.Lakshmi Theresamma vs. State Of Andhra Pradesh**<sup>2</sup> after considering the signatures available on a copy and whether they can be send to an expert for comparison purpose with the disputed signatures, held as under:

*“A Photostat copy is a copy taken from mechanical process. If the entries are shown accurately as in the original patta, there is a possibility of arriving at such conclusion. But, the mechanical process does not show the accuracy on account of blurred signatures/defective photo copying. Therefore, such comparison is impermissible under law, as there is every possibility of change of signatures due to passage of time and there is every possibility to sign on the documents in disguise, so as to obtain a favourable opinion from the handwriting expert. But, what is required as per law is that, any authentic contemporaneous document containing signatures of the parties has to be referred along with the disputed signatures for comparison and opinion.”*

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<sup>2</sup> 2021 SCC OnLine AP 3670.

9. A similar question came up before this Court in **P. Kusuma Kumari vs. State of Andhra Pradesh and another**<sup>3</sup> wherein this Court held that “*disputed signature is required to be referred to the expert along with admitted signatures of the party, the Court is bound to refer the document by exercising power under Section 73.*”

10. Admittedly, the respondent/plaintiff did not take any steps as per law to secure the original document either from the revision-petitioner/defendant or the person, who is having the custody of the original. It is not the case of the respondent/plaintiff that the original Registered Sale Deed, dated 23.11.2005 is not available. Under those circumstances, sending photocopy to an Expert will not serve any purpose.

11. Therefore, the Trial Court ignored the material fact that the respondent/plaintiff did not take any steps for securing the original and simply filed the photocopy alleging that it contains the signatures of the revision-petitioner/defendant, thereby, committed material irregularity. In the light of above circumstances, the revision-petition is deserved to be allowed by setting-aside the Common Order passed by the Trial Court in

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<sup>3</sup> 2015 (1) ALD (CrI.) 995.

I.A.No.241, 242 and 243 of 2015 in O.S.No.695 of 2006, dated 21.04.2015.

12. Accordingly, the Civil Revision Petitions are 'Allowed'.  
There shall be no order as to costs.

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

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**B.V.L.N.CHAKRAVARTHI, J**

3<sup>rd</sup> April, 2023.

DNB