

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**Civil Revision Petition No.1102 of 2023****ORDER:**

This Civil Revision Petition is directed against the order, dated 28.03.2023, passed in I.A.No.107 of 2023 in O.S.No.21 of 2013 on the file of the I Additional District Judge, Rajamahendravaram, East Godavari District, whereby the petition filed to send the agreement in question to the handwriting expert for examination, was allowed sending the document to the Director, Truth Labs, Hyderabad.

2) Heard learned counsel for the petitioner and learned counsel for the respondent.

3) The revision petitioner is the plaintiff in O.S.No.21 of 2013 on the file of the I Additional District Judge, Rajamahendravaram. The said Suit was filed for recovery of money on the basis of the agreement, marked as Ex.A.2. The respondent, who is the defendant in the said Suit, denied the execution of the said agreement and he also denied his signature on Ex.A.2.

4) Therefore, earlier a petition under Section 45 of the Evidence Act was filed to send the disputed document i.e. Ex.A.2 agreement to the handwriting expert for examination and to submit his report. The said petition was allowed and the said document was sent to the A.P. F.S.L., Mangalagiri, for examination and report. However, the A.P. F.S.L., Mangalagiri, returned the said document transmitted to it with a request to retransmit it along with extensive admitted English signatures of the defendant by name Y.V. Ramana around the period of 2012 for the purpose of comparison stating that opinion could not be given as per the available standards.

5) Thereafter, the present petition was again filed to send Ex.A.2 to the handwriting expert to another laboratory for examination and report. The said petition is now allowed by the impugned order. But, the learned Judge has directed to send the said document to the Director, Truth Labs, Hyderabad, for comparison and opinion.

6) Alleging that Truth Labs, Hyderabad, is a private organisation and it is not safe to send the document for comparison and opinion to the private laboratory, the present

Civil Revision Petition is filed questioning the validity of the impugned order.

7) Learned counsel for the petitioner would submit that he has no objection if the said document is sent for examination by the Expert of the Government Laboratory. Learned counsel for the respondent/defendant would also now fairly concede that he has no objection to send Ex.A.2 for examination by an Expert of any Government Laboratory. Both the learned counsel for the petitioner and the learned counsel for the respondent would submit that the document may be sent to the Central Forensic Science Laboratory, Hyderabad. So, the order of the trial Court is to be modified to that extent.

8) Therefore, it is ordered that the document in question i.e. Ex.A.2 along with the other documents to be transmitted to the Director, Central Forensic Science Laboratory, Ramanthpur, Hyderabad, within two weeks from the date of this order, for examination and for his opinion and to submit his report to that effect accordingly. The necessary expenses are to be borne out by the defendant, who has filed the petition before the trial Court.

9) Therefore, the Civil Revision Petition is disposed of accordingly. No costs.

Consequently, miscellaneous applications, pending if any, shall also stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date:09.08.2023.

Note:
Issue C.C. by tomorrow.
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