

HIGH COURT OF ANDHRA PRADESH

MAIN CASE: CRP No. 1869 of 2023

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
04.	27.09.2023	<u>RNT, J</u> Heard Ms.Adarshitha Kilaru, learned counsel for the petitioner. 2. The plaintiff/respondent filed O.S.No.08 of 2018 in the Court of the Additional Senior Civil Judge, Tirupati based on promissory notes (5 in number) dated 12.06.2015. The petitioner is the defendant in the suit. He filed I.A.No.306 of 2021 for comparison of the signatures on the promissory notes with the admitted signatures, to hand-writing expert. During the pendency of I.A.No.306 of 2021, the petitioner filed I.A.No.75 of 2022 to bring on record the documents as annexed to the said application. The documents are, the employees income tax declaration form for the year ending 31.03.2016 i.e. financial year 2015-16, assessment year 2016-17, as also for the financial year 2015-16. The said application was allowed by order dated 08.02.2022. The documents were received subject to proof, relevancy and admissibility. 2. By the impugned order, the petitioner's I.A.No.306 of 2021 has been dismissed. The ground of dismissal is, placing reliance in the case	

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		of <i>Byalla Devada v. Sivapuram Rama Yogeswara Rao</i> {dated 16.03.2022} by observing that in the said case it was held that the disputed signatures cannot be sent for comparison with the signatures of the defendant on vakalat, written statement and the specimen signatures taken in the open Court. The other ground for rejection of the I.A is that the petitioner could not explain as to how he secured the documents annexed to I.A.No.75/2022, and cannot be treated as admitted signatures of the petitioner. 3. Learned counsel for the petitioner submits that the petitioner was seeking comparison fo the disputed signatures on the promissory notces with the petitioner's signature on 'employees income tax declaration form in the year ending 31.03.2016' documents filed along with I.A.No.75/2022, which was taken on record by order dated 08.02.2022, consequently, it is now not a case of seeking comparison of the disputed signatures with the signatures on vakalat, written statement or specimen signatures taken on record. Consequently, the submission is that in the judgment in the case of <i>Byalla Devada</i> (supra) has no relevance. It is further submitted that those documents related to the period prior to filing of the suit, and consequently, the disputed signatures could be	

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		sent for comparison with the signatures as on those documents filed along with memo. 4. Matter requires consideration. 5. Issue notice to the respondent/plaintiff. 6. In addition to the normal mode of service, learned counsel for the petitioner on her request is permitted to take out personal notice for service on the respondent and file proof of service in the Registry by the next date. 7. Post on 31.10.2023. 8. Till the next date of listing, proceedings in O.S.No.08 of 2018 on the file of the Additional Senior Civil Judge, Tirupati, shall remain stayed. But it shall be open to the learned trial Court to consider afresh the petitioner's application for comparison of signatures, in the light of the documents in I.A.No.75/2022, with due opportunity of hearing to the plaintiff/respondent. _____ RNT, J Dsr	