

HIGH COURT OF ANDHRA PRADESH

MAIN CASE NO.: **C.R.P.No.225 OF 2023**

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1.	03.02.2023	<u>RC, J</u> <u>C.R.P.No.225 of 2023</u> Notice before admission. Learned counsel for the petitioner is permitted to take out personal notice to the respondent by registered post with acknowledgment due and file proof of service. Post on 03.03.2023. <u>RC, J</u> <u>I.A.No.1 of 2023</u> Heard the learned counsel for the petitioner. Learned counsel for the petitioner in elaboration to what has been stated in the grounds contended that I.A.No.541 of 2022 in O.S.No.379 of 2019 has been filed under Section 45 of the Evidence Act in order to sent the suit documents i.e., promissory notes for expert opinion and I.A.No.540 of 2022 in O.S.No.379 of 2019 has been filed under Order 13 Rule 10 of CPC to call for the record i.e., Will, dated 20.12.2018 and deposition of the father of the petitioner in O.S.No.143 of 2011	

		on the file of the VII Additional District Judge (Family Court), Eluru in order to send the same for comparison which are contemporaneous signatures and the said I.As were dismissed by orders, dated 27.09.2022 respectively. Learned counsel further submitted that in fact the suit has been filed against the petitioner on the ground that the petitioner's father has borrowed amounts and executed promissory notes and died intestate, the petitioner herein has taken a specific stand in the written statement that his father never borrowed any amount and his father never informed him about any debts, muchless the suit debt and the respondent filed the present suit by forging and fabricating the suit promissory notes in collusion with the attestors and scribe, to gain wrongfully and the signatures are not of his father and they are forged as such the contemporaneous signatures on the Will, dated 20.12.2018 and the deposition in O.S.No.143 of 2011 on the file of the VII Additional District Judge (Family Court), Eluru are very much required for comparison with the signatures of the suit promissory notes by the expert, as such, the two I.As. have been filed but the court below without any valid grounds dismissed them. If the suit documents are not sent for expert opinion and if the suit is proceeded further , the petitioner rights will be affected and the purpose of filing the revision	
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		will be defeated, as such prayed to pass interim orders in that regard. On perusal of the record and the grounds raised therein and considering the submissions made by the learned counsel for the petitioner, this Court <i>prima facie</i> found that there is a point for consideration in the revision and in the meantime, if the suit is concluded the purpose of filing the revision will be defeated as such, this Court is inclined to grant interim direction. Accordingly, there shall be an interim stay of all further proceedings in O.S.No.379 of 2019 on the file of the II Additional Junior Civil Judge, Tadepalligudem, West Godavari District, within a period of eight (8) weeks. RC, J SPP	
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