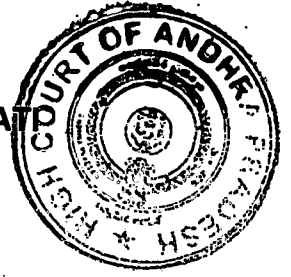


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

FRIDAY, THE THIRTIETH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY TWO



PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 2837 OF 2022

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to aggrieved by the Order in I.A.No.625 of 2022 in O.S.No.143 of 2017 Dated 24.11.2022 on the file of the Court of the Principal Senior Civil Judge, Rajamahendravaram, East Godavari District.

BETWEEN:

Jagiripu Venkata Ramana, S/o Sanyasi Rao, Aged about 53 years, Occ.- Business, R/o D. No 42-15-22 Bypass Road, Annapoornapeta, Rajamahendravaram, East Godavari District

...PETITIONERS/DEFENDANT

AND

1. Kadiyala Padma Jyothi, W/o Krishna Mohan (Late) Aged About 47 Years, Occ:-Housewife, R/o D. No 13-11, Venkatagiri, Hukumpeta, Rajamahendravaram, East Godavari District
2. Kadiyala Rama Krsihna, S/o Krishna Mohan (Late) Aged About 30 Years, Occ:-Cultivation, R/o D. No 13-11, Venkatagiri, Hukumpeta, Rajamahendravaram, East Godavari District.
3. Kadiyala Venkata Subbayamma, W/o. Laate Raghava Rao Aged About 77 Years, Occ:- Housewife, R/o D. No 13-11, Venkatagiri, Hukumpeta, Rajamahendravaram, East Godavari District

...RESPONDENTS/PLAINTIFFS

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in O.S.No.143 of 2017 on the file of the Court of Principal Senior Civil Judge, Rajamahendravaram, East Godavari District.

Counsel for the Petitioner(s): SRI. K.V.S.S.PRABHAKARA RAO, ADVOCATE.

Counsel for the Respondents:

The Court made the following Order: -

**HON'BLE SRI JUSTICE SUBBA REDDY SATTI**

**CIVIL REVISION PETITION No.2837 of 2022**

Jagiripu Venkata Ramana, S/o Sanyasi Rao, aged about 53 years, Occ: Business, R/o D.No.42-15-22, Bypass Road, Annapoornapeta, Rajamahendravaram, East Godavari District.

... Petitioner

Versus

Kadiyala Padma Jyothi, W/o Krishna Mohan (Late), Aged about 47 years, Occ: Housewife, R/o D.No.13-11, Venkatagiri, Hukumpeta, Rajamahendravaram, East Godavari District and others.

... Respondent

Counsel for the petitioner  
Counsel for respondents

: Sri K.V.S.S. Prabhakar  
: ---

**ORDER**

Defendant in the suit filed the above civil revision petition under Article 227 of the Constitution of India against order, dated 24.11.2022 in I.A.No.625 of 2022 in O.S.No.143 of 2017 on the file of learned Principal Senior Civil Judge, Rajamahendravaram.

2. Plaintiffs filed O.S.No.143 of 2017 against the defendant for recovery of amount.

3. According to the plaintiffs, defendant along with one Pasupuleti Seshayya, jointly borrowed an amount of Rs.5,00,000/- from Kadiyala Krishna Mohan on 08.05.2008,

agreeing to repay the same with interest at 24% per annum. Defendant and Pasupuleti Seshayya jointly executed promissory note. In spite of several demands, Pasupuleti Seshayya postponed payment of the amount. However, defendant paid part payment of Rs.10,000/- each on 16.04.2011 and on 08.05.2008 towards interest and made endorsement to that effect on the back side of promissory note, dated 08.05.2008. The other executants of promissory note, Pasupuleti Seshayya died thereafter and consequently the defendant took responsibility of repaying the amount. Thereafter K. Krishna Mohan passed away on 23.12.2004. Hence, his sons filed the above suit for recovery of amount.

4. Defendant filed written statement denying execution as also the endorsements.

5. Pending the suit, defendant filed I.A.No.625 of 2022 under Section 45 of the Indian Evidence Act read with Section 151 of CPC to send promissory note, dated 08.05.2008 for expert opinion with the signatures and its material alterations for comparison.

6. In the affidavit filed in support of the petition, while reiterating the averments of the written statement, prayed the Court to send promissory note, dated 08.05.2008 for

comparison of signature and its material alterations, to prove the case of the defendant.

7. Plaintiffs filed counter and opposed application.

8. Trial Court, by order, dated 29.11.2022 dismissed the application. Aggrieved by the same the above revision is filed.

9. Heard learned counsel for the petitioner.

10. Learned counsel for the petitioner would contend that perusal of the promissory note, dated 08.05.2008 discloses that the signatures on Exs.A2 and A3 are forged. He would also contend that suit in fact is barred by limitation and to save the limitation, Exs.A2 and A3, were created. Hence, defendant made an application to send the same for comparison. However, the trial Court without considering the same, dismissed the application. Hence, prays to set aside the order of trial Court.

11. Defendant in the written statement denied the signature on the promissory note as well as endorsement made on said promissory note. Hence, defendant filed the present application to send document to expert for comparison of his signatures. However, defendant did not file any authentic document containing his admitted signature for sending the same for expert opinion.

12. A perusal of the order of the trial Court would disclose that defendant filed Photostat copy of SA/GPA of 2008. The alleged SA/GPA cannot be termed either as admitted signature or as authentic document to compare the same with signature of Exs.A2 and A3. Trial Court considered all these aspects and dismissed the application. This Court does not find any reason or illegality in the order of the trial Court, which seeks interference of this Court. Hence, this revision is liable to be dismissed.

13. Accordingly, this civil revision petition is dismissed at the stage of admission. No costs.

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

//TRUE COPY//

Sd/- M SRINIVAS  
ASSISTANT REGISTRAR  
*[Signature]*  
SECTION OFFICER

To,

1. The Principal Senior Civil Judge, Rajamahendravaram, East Godavari District.
2. The Section Officer, V.R Section, High Court of Andhra Pradesh at Amaravati
3. One CC to Sri. K.V.S.S.Prabhakara Rao, Advocate [OPUC]
4. Two CD Copies

VNA

*K. Ch. Choudhary*

**HIGH COURT  
DATED:30/12/2022**

**ORDER**

**CRP.No.2837 of 2022**

5 copies  
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**CIVIL REVISION PETITION IS DISMISSED  
AT THE STAGE OF ADMIOSSION.**

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