
(2001) 07 AP CK 0049
In the Andhra Pradesh High Court
Case No : C.R.P. No. 1519 of 2001

Koneti Lakshmi Thulasamma	Vs	APPELLANT
Gangavaram Veera Raghava Reddi		RESPONDENT

Date of Decision : 03-07-2001

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 20 Rule 10, Order 26 Rule 10A, 151

Citation : (2002) 1 ALT 180

Hon'ble Judges : B. Prakash Rao, J

Bench : Single Bench

Advocate : S.V. Bhatt, for the Appellant; C. Sadasiva Reddi, for the Respondent

Final Decision : Dismissed

Judgement

B. Prakash Rao, J.—The petitioner, who is the defendant, is aggrieved against the orders in I.A.No. 1578 of 2000 in O.S.No. 413/99 dated 29-12-2000 on the file of the Principal Junior Civil Judge, Cuddapah, dismissing the application purported to have been filed under Order 26 Rule 10-A read with Section 151 of the CPC for sending a document viz., Sale deed dated 18-6-1992 to the Handwriting Expert for comparison of the signatures of the petitioner and her husband K. Seshachari with the admitted signatures.

2. In brief, in a suit filed for eviction, the case of the petitioner is that the signatures on the said document do not belong to the petitioner and her husband and that they are forged as if they are the attestors of the said document. The Court below after contest and after hearing both the sides, dismissed the application on the ground that no purpose would be served by any such exercise and further no such application having been filed by the petitioner or her husband to transpose the husband as a defendant in the suit, the said request is not sustainable.

3. Having heard the Counsel on either side and on a perusal of the record, it is evident that in view of the questions involved and also the denials of the

defendant, it is too early and premature to invoke the provisions of Order 20 Rule 10 of the CPC without laying a foundation during the trial. It is only after the parties let in evidence and if it warrants in the circumstances, it is always open for the petitioner to move any such application.

Subject to the above, the revision is dismissed. No costs.