

APHC010456292025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2269/2025

Between:

1. EETHAKOTA DURGA BABU, S/O. RAMARAO, AGED 46 YEARS, OCC CULTIVATION, R/O. D. NO.7-21 BHIMADOLE VILLAGE AND MANDAL, ELURU DISTRICT, ERSTWHILE WEST GODAVARI DISTRICT.
2. SURA GANESH KUMAR,, S/O. AKKARAO, AGED 27 YEARS, OCC CULTIVATION, R/O. D.NO. 3-1, NAGABUSHANAPURAM VILLAGE, MANDAVALLI MANDAL KRISHNA DISTRICT.
3. SURA KIRAN KUMAR, , S/O. AKKARAO, AGED 25 YEARS, OCC CULTIVATION, R/O. D.NO.3-1, NAGABUSHANAPURAM VILLAGE, MANDAVALLI MANDAL, KRISHNA DISTRICT.

...PETITIONER(S)

AND

1. PYDI KRISHNA MOHAN, S/O. PANDURANGARAO, AGED 45 YEARS. PVT EMPLOYEE, R/O. D. NO.7-15/3 MM PURAM, BHIMADOLE MANDAL, ELURU DISTRICT, ERSTWHILE WEST GODAVARI DISTRICT.
2. PYDI VIJAY BHASKAR, S/O. PANDURANGARAO, AGED 37 YEARS. PVT. EMPLOYEE, R/O. D. NO.7-15/3 MM PURAM, BHIMADOLE

MANDAL, ELURU DISTRICT, ERSTWHILE WEST GODAVARI DISTRICT.

3.PYDI PANDURANGARAO, S/O. LATE AKKANNA, AGED 70 YEARS, RETD. EMPLOYEE, R/O. D. NO.7-15/3, MM PURAM, BHIMADOLE MANDAL, ELURU DISTRICT, ERSTWHILE WEST GODAVARI DISTRICT.

4.PYDI NAGA VIJAYA KUMARI, W/O. LATE VENKATA DURGA SATYA VARA PRASAD, AGED 37 YEARS, HOUSEWIFE, D.NO.20-89, DANIALAPET, JAGANADHAPURAM, GUDIVADA TOWN AND MANDAL, KRISHNA DISTRICT.

5.PAMIDI APPARAO, S/O. RAMAYYA, AGED 60 YEARS, OCC CULTIVATION, R/O. D.NO.20-89, DANIALAPET, JAGANADHAPURAM, GUDIVADA TOWN AND MANDAL, KRISHNA DISTRICT.

6.PAMIDI NAGAMANI, W/O. APPARAO, AGED 57 YEARS HOUSEWIFE, R/O. D.NO.20-89, DANIALAPET, JAGANADHAPURAM, GUDIVADA TOWN AND MANDAL, KRISHNA DISTRICT.

7.KUNA RANGAMMA, W/O. APPARAO, AGED 54 YEARS. HOUSEWIFE, SIDDAPURAM, CHINNAMILIPADU, KALINGAPALEM, AKIVIDU MANDAL, BHIMAVARAM TOWN AND MANDAL, WEST GODAVARI DISTRICT.

8.AGARTHULA BALELU, S/O DALAYYA, AGED 55 YEARS, OCC CULTIVATION, R/O. D. NO. 12-97, MM PURAM, BHIMADOLE TOWN AND MANDAL, ELURU DISTRICT, ERSTWHILE WEST GODAVARI DISTRICT.

9.KARAGANI LAKSHMANA, S/O. PENTAI AH, AGED 32 YEARS, OCC CULTIVATION, R/O. D.NO.9-104, RAILWAY STATION ROAD, CHEBROLE, BHIMADOLE MANDAL, ELURU DISTRICT, ERSTWHILE WEST GODAVARI DISTRICT.

...RESPONDENT(S):

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 toBeing aggrieved by the Order dt. 01.07.2025 in I.A. No. 834 of 2025 in O.S. No. 163 of 2010 on the file of the Court of Learned Judge, Family Court-cum-VII Addl. District Judge, West Godavari at Eluru, the above-named petitioners prefer this memorandum of Civil Revision Petition

IA NO: 1 OF 2025

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 may be pleased to grant stay of all further proceedings in O.S. No. 163 of 2010 on the file of the Court of Learned Judge, Family Court-cum-VII Addl. District Judge, West Godavari at Eluru, pending disposal of the main CRP and to pass such

IA NO: 2 OF 2025

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 May be pleased to permit the petitioners to file hereto annexed documents as additional documents in CRP No. 2269 of 2025 in the interest of justice and pass

Counsel for the Petitioner(S):

1.PANCHAGNULA RISHYENDRA SAI

Counsel for the Respondent(S):

1.K MURALIDHAR

The Court made the following:

ORDER

This Civil Revision Petition is filed questioning the legality and correctness of the order dated 01.07.2025 passed in I.A.No.834 of 2025 in O.S.No.163 of 2010 by the learned VII Additional District Judge, West Godavari, Eluru.

2. The Civil Revision Petitioners are defendant nos. 5,7 and 8 and the respondent nos.1 to 3 are plaintiffs and respondent nos.4 to 9 are defendant nos.1 to 4, 6 & 9 in O.S.No.163 of 2010.

3. The facts that led to filing of the Civil Revision Petition, in brief, are that respondent nos.1 to 3 filed O.S.No.163 of 2016 for declaring them as absolute owners of item nos. 3 and 4 and vested remainders of item nos.1 and 2 of plaint schedule properties and for consequential permanent injunction by propounding a Will dated 07.01.2015 said to have been executed by Pydi Venkata Durga Satya Vara Prasad. The defendant nos.5,7 and 8 of the said suit filed the petition vide I.A.No.834 of 2025 under Section 45 of the Evidence Act for sending the documents to Truth Labs for comparing the disputed signature of Pydi Venkata Durga Satya Vara Prasad contained on Ex.A1-unregistered Will dated 07.01.2015 with his admitted signatures contained on Ex.B.13-Registered Dhakal Deed dated 02.02.2023

and registered partition deed dated 18.08.2008. The respondents resisted the claim made in the petition by filing counter contending that earlier the petition filed vide I.A.No.1236 of 2024 was allowed and the documents were sent for comparison to handwriting expert, who returned them stating that he could not come to any conclusive opinion and hence again sending the documents to Truth Laboratory would be a futile exercise. The learned trial Judge upon considering the submissions made by learned counsel for the parties, dismiss the petition. The said dismissal order has been assailed in this Civil Revision Petition.

4. Heard Sri Panchagunula Rishyendra Sai, learned counsel for the petitioners, and Sri K.Muralidhar, learned counsel for respondent nos. 1 and 2.

5. Sri Panchagunula Rishyendra Sai, learned counsel for the petitioners, while reiterating the contents of the affidavit filed in support of the petition in trial Court and grounds of Revision Petition would contend that the forged nature of the Will would only come to light if the same is sent to expert for comparison of disputed and admitted signatures of the alleged testator of the Will and as the earlier handwriting expert returned the documents being unable to come to any conclusive opinion, the petitioners, now want to send the documents to Truth Lab for comparison. He would further contend that

the learned trial Judge erroneously dismissed the petition on the sole ground that expert opinion is not a conclusive proof and that the matter being old and identified case, the application cannot be entertained at that stage, thereby denied the opportunity to the petitioners to effectively defend the case by disproving the Will and accordingly prayed to allow the Civil Revision Petition.

6. On the other hand, Sri K.Muralidhar, learned counsel for respondent nos. 1 and 2 while reiterating the contents of the counter filed in trial Court would contend that since the handwriting expert returned the documents stating that no conclusive opinion can be formed on the documents, sending the documents again to another handwriting expert would be a futile exercise and the learned trial Judge had rightly dismissed the petition and the said order does not require interference of this Court. Accordingly, prayed to dismiss the Civil Revision petition.

7. Perused the material available on record and considered the submissions made by learned counsel for the parties.

8. The contentions advanced by the learned counsel for the parties and the material available on record would disclose that earlier the petitioners filed petition vide I.A.No.1236 of 2024 and the said petition was allowed and the

documents were sent to handwriting expert, Regional Forensic Science Laboratory, Amaravathi, but the said handwriting expert returned the documents stating that he could not come to any conclusive opinion based on those documents. Now the petitioners want to send the documents to handwriting expert at Truth Laboratory for comparison. The correspondence sent by the Forensic Science Laboratory, Mangalagiri dated 08.10.2024 11.04.2025 disclose that the standards received are not sufficient to form a definite opinion and some more admitted signatures of P.Venkata Durga Satya Vara Prasad around the disputed period are required for the purpose of comparison.

9. The learned counsel for respondents mainly resisted the petition on the ground that Truth Lab is a private organization and it is not safe to send the documents for comparison and opinion to the private laboratory.

10. It is a settled law that expert opinion is not a conclusive proof and sole evidence of a handwriting expert is not sufficient and safe to reach a conclusion, which is a weak type of evidence, cannot solely be relied on without there being any cogent evidence. However, in view of the specific contention raised by the petitioners that Ex.A1-unregisered Will is outcome of

forgery, this Court is of the considered opinion that sending the document to an handwriting expert would meet the ends of justice.

11. In view of the above, to strike a balance between the claims and counter claims, instead of sending the document to Truth Lab, this court deems it appropriate to send the document to Central Forensic Science Laboratory, Hyderabad, as held by a coordinate Bench of this Court vide orders dated 09.08.2023 passed in CRP No.1102 of 2023, in similar facts and circumstances of the case on hand.

12. Accordingly, this Civil Revision Petition is allowed, setting aside the order dated 01.07.2025 passed in I.A.No.834 of 2025 in O.S.No.163 of 2010 passed by the learned Judge, Family Court-cum-VII Additional District Judge, Eluru. Ex.A1-unregisered Will along with other documents be transmitted to the Director,Central Forensic Science Labouratory, Ramanthpur, Hyderabad, for comparison and report. The petitioners shall bear the necessary expenditure. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

7TH May, 2026.

JUSTICE RAVI CHEEMALAPATI
RR