



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

[3330]

THURSDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION NO: 1040/2026

Between:

1. DATHI AJAY KUMAR, , S/O LATE APPALANAIDU, AGED ABOUT 55 YEARS, R/O. LANKA VEEDHI, VIZIANAGARAM TOWN, VIZIANAGARAM DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. LENKA APPALANAIDU, S/o Late Rarnu Naidu, Aged about 64 years, R/o. Atmaramuni Agraharam, Nellimarlla Mandal,, Vizianagaram District, Andhra Pradesh.

...RESPONDENT

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 direct the trial Court to number the said interlocutory application filed by the petitioner in O.S.No.134 of 2021, under Section 45 of the Indian Evidence Act (Section 39 of the Bharatiya Sakshya Adhiniyam, 2023), on the file of the Court of the Principal Junior Civil Judge, Vizianagaram, and dispose of the same as expeditious as possible, in accordance with law and pass

IA NO: 1 OF 2026

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 dispense with the Certified Copy of the Docket order passed in

THE, HON'BLE PRINCIPAL JUNIOR CIVIL JUDGE, VIZIANAGARAM, GLNO
1278/25 I.A No. /2025 in O.S No. 134/2021, above C.R.P and pass

Counsel for the Petitioner:

1. ALLA TARUN KUMAR

Counsel for the Respondent:

1.

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**CIVIL REVISION PETITION NO: 1040/2026****ORDER:**

The petitioner herein is the defendant in the suit *vide* O.S.No.134 of 2021 on the file of learned Principal Junior Civil Judge at Vizianagaram. The petitioner herein filed interlocutory application (un-numbered) under Section 39 of the Bharatiya Sakshya Adhinyam, 2023 to send the suit promissory notice to the handwriting expert along with signature of the petitioner to be taken on open Court for comparison, in the interest of justice. The said application was returned on 19.12.2025, to explain the maintainability of application, as the defendant has admitted in the written statement that the signature belongs to the petitioner/defendant. The petitioner has re-presented the said interlocutory application on 07.01.2026 stating that the petitioner/defendant did not admitted his signature in the written statement. The said application was again returned. Hence, present Civil Revision Petition is filed.

2. On entire reading of the written statement, the plaintiff/defendant did not admitted his signature. Therefore, the observation is not sustainable. Hence, learned trial Court is directed to forthwith number the interlocutory application and pass appropriate orders in accordance with law.

3. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 09.04.2026
KBN

83

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

C.R.P.No.1040 of 2026

09.04.2026

KBN