

Date of reserved for orders: 03.07.2026

Date of pronouncement : 10.07.2026

Date of uploading : 10.07.2026

APHC010609252025



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

[3331]

FRIDAY, THE 10th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION Nos.3196 and 3197 of 2025

CIVIL REVISION PETITION NO: 3196/2025

Between:

- 1.CHAPPIDI RAVINDRANATHA REDDY,, S/O. LATE C.KONDA REDDY, AGED ABOUT 45 YEARS, OCC CULTIVATION, R/O. CHAVVA NAGAYAPALLI VILLAGE, R.S. KONDAPURAM MANDAL KADAPA DISTRICT
- 2.CHAPPIDI PRATHAPA REDDY,, S/O. LATE C.KONDA REDDY, AGED ABOUT 50 YEARS, OCC TEACHER, R/O. CHAVVA NAGAYAPALLI VILLAGE, R.S. KONDAPURAM MANDAL, KADAPA DISTRICT.
- 3.CHAPPIDI PAKKEERA REDDY,, S/O. LATE C.KONDA REDDY, AGED ABOUT 65 YEARS, OCC CULTIVATION, R/O. CHAVVA NAGAYAPALLI VILLAGE, R.S. KONDAPURAM MANDAL KADAPA DISTRICT.

...PETITIONER(S)

AND

- 1.CHALLA NARASAMMA, W/O. SUBBA RAYUDU, AGED ABOUT 62 YEARS, R/O. JAMBULAPADU VILLAGE, TADIPATRI MANDAL, ANANTAPUR DISTRICT. CHALLA BASAIAH DIED BY HIS LRS.

- 2.CHALLA NARASAMMA, W/O. LATE C.BASIAH, AGED ABOUT 58 YEARS, R/O. P.M.KONDAPURAM VILLAGE YELLANURU MANDAL, ANANTAPUR DISTRICT.
- 3.CHALLA VENKATA NARASIMHULU, S/O. LATE C.BASIAH, AGED ABOUT 39 YEARS, R/O. P.M.KONDAPURAM VILLAGE, YELLANURU MANDAL, ANANTAPUR DISTRICT.
- 4.CHALLA LAKSHMI NARASIMHULU, S/O. LATE C.BASIAH, AGED ABOUT 37 YEARS, R/O. P.M.KONDAPURAM VILLAGE, YELLANURU MANDAL, ANANTAPUR DISTRICT.
- 5.CHALLA SATYAVANI, D/O. LATE C.BASIAH, W/O. VELURU SUDHARSHANA NAIDU, AGED ABOUT 33 YEARS, R/O. T.KOTTAPALLI VILLAGE, YADIKI MANDAL, ANANTAPUR 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 toMemorandum of Grounds of Civil Revision petition being aggrieved by the order 24.07.2025 passed in I.A.No.402 of 2024 in O.S.No.22 of 2024 on the file of the Civil judge (Senior Division), Gooty, Anantapur District

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 to stay all further proceedings in O.S.No.22 of 2024 on the file of the Civil Judge (Senior Division), Gooty, Anantapur District pending disposal of the C.R.P.No.3196 of 2025

Counsel for the Petitioner(S):

- 1.K NARSI REDDY

Counsel for the Respondent(S):

- 1.VIVEKANANDA VIRUPAKSHA

CIVIL REVISION PETITION NO: 3197/2025

Between:

- 1.CHAPPIDI RAVINDRANATHA REDDY, S/O. LATE C.KONDA REDDY, AGED ABOUT 45 YEARS, OCC CULTIVATION, R/O. CHAVVA NAGAYAPALLI VILLAGE, R.S. KONDAPURAM MANDAL, KADAPA DISTRICT. 2.
- 2.CHAPPIDI PRATHAPA REDDY,, S/O. LATE C.KONDA REDDY, AGED ABOUT 50 YEARS, OCC TEACHER, R/O. CHAVVA NAGAYAPALLI VILLAGE, R.S. KONDAPURAM MANDAL KADAPA DISTRICT.
- 3.CHAPPIDI PAKKEERA REDDY,, S/O. LATE C.KONDA REDDY, AGED ABOUT 65 YEARS, OCC CULTIVATION, R/O. CHAVVA NAGAYAPALLI VILLAGE, R.S. KONDAPURAM MANDAL, KADAPA DISTRICT

...PETITIONER(S)

AND

- 1.CHALLA NARASAMMA, W/O. SUBBA RAYUDU, AGED ABOUT 62 YEARS, R/O. JAMBULAPADU VILLAGE TADIPATRI MANDAL, ANANTAPUR DISTRICT. CHALLA BASAIAH DIED BY HIS LRS. 2.
- 2.CHALLA NARASAMMA, W/O. LATE C.BASAIAH, AGED ABOUT 58 YEARS, R/O. P.M.KONDAPURAM VILLAGE, YELLANURU MANDAL, ANANTAPUR DISTRICT. 3.
- 3.CHALLA VENKATA NARASIMHULU, S/O. LATE C.BASAIAH, AGED ABOUT 39 YEARS, R/O. P.M.KONDAPURAM VILLAGE, YELLANURU MANDAL, ANANTAPUR DISTRICT.
- 4.CHALLA LAKSHMI NARASIMHHULU, S/O. LATE C.BASAIAH, AGED ABOUT 37 YEARS. R/O. P.M.KONDAPURAM VILLAGE YELLANURU MANDAL, ANANTAPUR DISTRICT. 5
- 5.CHALLA SATYAVANI, D/O. LATE C.BASAIAH, W/O. VELURU SUDHARSHANA NAIDU, AGED ABOUT 33 YEARS, R/O. T.KOTTAPALLI VILLAGE, YADIKI MANDAL ANANTAPUR 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 toThe above-named petitioners beg to present this Memorandum of Petition being aggrieved by the orderGrounds of Civil Revision 24.07.2025 passed in I.A.No.403 of 2024 in O.S.No.22 of 2024 on the file Division), Gooty, Anantapur District for theof the Civil Judge (Senior following among other

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 to stay all further proceedings in O.S.No.22 of 2024 on the file of the Civil Judge (Senior Division), Gooty, Anantapur District, pending disposal of the C.R.P.No. of 2025 and to pass

Counsel for the Petitioner(S):

1.K NARSI REDDY

Counsel for the Respondent(S):

1.VIVEKANANDA VIRUPAKSHA

The Court made the following:

COMMON ORDER

The plaintiffs in the suit filed the above two revisions against two separate orders dated 24.07.2025 in I.A.Nos.402 and 403 of 2024 in O.S.No.22 of 2024 on the file of the Civil Judge (Senior Division), Gooty.

2. Since the issues involved in the two revisions are inter-related, arising out of the same suit in two interlocutory applications, this Court deems it appropriate to dispose of the two revisions by a common order.

3. The plaintiffs initially filed suit O.S.No.192 of 2015 on the file of the Junior Civil Judge, Tadipatri, against the defendants seeking specific performance of the agreement of sale dated 11.02.1991 executed by the 1st defendant and the deceased 2nd defendant, in favour of late Kondareddy, father of plaintiffs 1 & 2 and father-in-law of 3rd plaintiff.

4. The 2nd defendant filed a written statement and contended that the alleged signatures of the executants on the alleged agreement are forged and the agreement is fabricated. Thereafter, the suit, O.S.No.192 of 2015, was transferred to the Court of the Civil Judge (Senior Division), Gooty, to be tried along with O.S.No.6 of 2015, filed by the defendants, seeking a declaration of title and recovery of possession.

5. The plaintiffs got the suit agreement impounded with the Court by paying the requisite stamp duty and penalty. Thereafter, the plaintiffs filed I.A.No.402 of 2024 under Section 151 of CPC, to direct the 1st defendant to appear and give a thumb impression and to send the same to the expert to compare the thumb with the thumb on the agreement of sale and to direct the other defendant, i.e., legal heirs of 2nd defendant to produce the documents containing the admitted signatures of 2nd defendant and to send the same to the handwriting expert.

6. I.A.No.403 of 2024 was filed under Section 45 of the Indian Evidence Act (Section 39 of the Bharatiya Sakshya Adhiniyam, 2023) r/w Section 151 of CPC, to send the agreement of sale dated 11.02.1991 to the handwriting expert for examining of left-hand thumb impression of 1st defendant and signature of deceased 2nd defendant, with the admitted thumb impression of 1st defendant and admitted signature of 2nd defendant.

7. The respondents filed separate counters and opposed the applications. It was contended that the 1st defendant gave evidence in the connected suit O.S.No.6 of 2015, and if the Court concludes that the thumb impression of the 1st defendant is required for comparison, the said thumb impression can be used.

8. Heard Sri K.Narsi Reddy, learned counsel for the petitioners and Sri Vivekananda Virupaksha, learned counsel for the respondents.

9. Learned counsel for the petitioners would contend that the defendants 1 and 2 executed an agreement of sale dated 11.02.1991 in favour of late Kondareddy and put the said Kondareddy in possession of the property. The said Kondareddy cultivated the land, and after his demise, the plaintiffs have been in possession and enjoyment of the land. The revenue authorities updated the records of rights. In view of the denial in the written statement regarding the very execution of the document by defendants 1 and 2, the aforementioned I.As were filed. He would further submit that though two reliefs were sought in the I.As, however, the plaintiff confined the relief and requested the Court to summon the 1st defendant and give the thumb impression in the Court and to send the same to the expert for comparison.

10. On the other hand, learned counsel for the respondents would contend that the agreement of sale dated 11.02.1991 is not yet marked and hence, sending the document to the expert to ascertain the thumb impression does not arise and is premature. Since the trial Court exercised the discretion vested with it, the impugned orders do not call for any interference while exercising the revisional jurisdiction under Article 227 of the Constitution of India.

11. Learned counsel for the petitioners relied on the following decisions:

- a) **Bande Siva Shankara Srinivasa Prasad Vs. Ravi Surya Prakash Babu (died) per L.Rs. and others¹.**
- b) **Badavath Srinivas vs. Ratnavath Gopal².**

12. Learned counsel for the respondents relied on the following decisions:

- a) **Swami Satyanand Vs. Rajiv Ranjan Kumar Singh³.**
- b) **Velamala Jagadish Vs. Ippili Haranadha Rao⁴.**
- c) **Kaveti Sarada Vs. Vemineni Hymavathi⁵.**
- d) **M/s Garment Craft Vs. Prakash Chand Goel⁶.**

13. Now, the points for consideration are:

- 1) **Whether a document that was not marked can be sent to the handwriting expert for comparison of the thumb impression with the admitted thumb impression?**
- 2) **Whether the orders dated 24.07.2025 in I.A.Nos.402 and 403 of 2024 in O.S.No.22 of 2024 on the file of the Civil Judge (Senior Division), Gooty, suffer from any illegality?**

14. Shorn of all unnecessary details, the suit O.S.No.22 of 2024 (O.S.No.192 of 2015), was filed seeking specific performance of the agreement of sale dated 11.02.1991. The 2nd defendant filed a written

¹ 2016 (2) ALT 248 (F.B.)

² C.R.P.No.2471 of 2023 dated 26.09.2023 of Telangana High Court

³ 2012 SCC OnLine Cal 5193

⁴ 2004 (3) ALD 439 : 2004 SCC OnLine AP 66

⁵ 2006 (4) ALD 460 : 2006 SCC OnLine AP 425

⁶ 2002 LiveLaw (SC) 39

statement and denied execution and also the passing of consideration. According to the plaintiffs, the 1st defendant, being a marks-woman, put her thumb impression on the agreement of sale, and the deceased 2nd defendant signed the agreement of sale.

15. Though two reliefs were sought in I.As, as seen from the orders, the plaintiffs confined the relief to one prayer i.e. to direct the 1st defendant to appear before the Court and to give a thumb impression and thereafter to send the document to the expert for comparison. The opinion of an expert in relation to thumb impressions is more relevant than the opinion of an expert in relation to handwriting, since the opinion of an expert in relation to thumb impressions is an exact science.

16. The Hon'ble Apex Court in **Jaspal Singh Vs. State of Punjab**⁷, observed thus:

8. The science of identifying thumb impression is an exact science and does not admit of any mistake or doubt”

17. The trial Court dismissed both the applications on the ground that the defendants challenged the suit on the ground of limitation, which is a preliminary issue to be decided by the Court. It further held that the substantial issues are not framed before the Court, and unless the evidence adduced before the Court by the plaintiffs, for the denial or admission of documents as well as the disputed signatures or thumb impressions, the procuring of the other ancillary issues is premature.

18. In the considered opinion of this Court, the observations of the trial Court in the light of the relief sought by the plaintiffs do not withstand legal

⁷ AIR 1979 SC 1708 : (1980) 1 SCC 487 : 1979 SCC OnLine SC 223

scrutiny. In fact, sending the document to the expert for comparison of the thumb impression will help the Court, in case the Court negatives the plea of the defendants *vis-à-vis* the limitation.

19. The 1st defendant, as seen from the plaint, was aged about 62 years in 2015. In a Research article on **Impact of aging on fingerprint ridge density: Anthropometry and forensic implications in sex inference**, published by Elsevier, Volume 58, Issue 5, it was observed thus:

“Over the years, the ridges' surface tends to flatten because of a combination of epidermal atrophy and the remodeling of the dermal papillae. This flattening of the epidermal ridges occurs slowly over several decades and does not affect the ridges' pattern. However, as the ridges flatten, their sharpness decreases. This complicates tracking ridges and furrows in a fingerprint and is a handicap when it comes to estimating the ridge density of older individuals”.

20. In the extract referred to *supra*, the authors believe that due to ageing, the ridge surface tends to flatten due to epidermal atrophy and the remodelling of the dermal papillae. In fact, it was further observed by the authors that epidermal ridges occur slowly as the person ages.

21. This being the scientific position, coupled with the law declared by the Hon'ble Apex Court in respect of expert opinion that the science of identifying thumb impressions is an exact science and does not admit of any mistake or doubt, the trial Court ought to have exercised its jurisdiction vested in it. Since the trial Court failed to exercise the jurisdiction vested in it, resulting in a miscarriage of justice. This Court, while exercising the jurisdiction under Article 227 of the Constitution of India, can definitely interfere with such orders.

22. The Hon'ble Apex Court in **Estralla Rubber Vs. Dass Estate (P) Ltd.**⁸, observed thus:

“6. The scope and ambit of the exercise of power and jurisdiction by a High Court under Article 227 of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to.”

23. In **Celina Coelho Pereira Vs. Ulhas Mahabaleshwar Kholkar**⁹, the Hon'ble Apex Court observed that the jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. It was further

⁸ (2001) 8 SCC 97 : 2001 SCC OnLine SC 1097

⁹ (2010) 1 SCC 217 : (2010) 1 SCC (Civ) 69 : 2009 SCC OnLine SC 1756

observed that such discretionary relief must be exercised to ensure there is no miscarriage of justice.

24. The judgments cited by the learned counsel for the respondents in **Velamala Jagadish's** case and **Kaveti Sarada's** case are similarly situated cases. The issue in those cases relates to sending the document to the expert for comparing handwriting, but not thumb impression. The observation in the said cases, regarding sending the document to the handwriting expert, in the opinion of this Court, does not apply to the facts of this case, since the facts therein are different from the facts herein.

25. A learned single Judge of this Court in **Ummaka Sivaiah Vs. The State of Andhra Pradesh**¹⁰, considering the aspect of sending a document yet to be admitted for expert, observed thus:

“... .. Order XXVI Rule 10A C.P.C. deals with appointment of a Commissioner for scientific investigation and this provision did not disclose any such bar that an unmarked document cannot be referred to an expert for scientific investigation. Similarly, none of the provisions either in C.P.C. or in other enactments, created any interdict to refer such document to the expert for comparison. To avoid unnecessary delay in examining the issue by the trial Court after trial, it is appropriate to refer the document even before marking the same as an exhibit so that the Court can avoid unnecessary delay in marking the document and proceed with the trial.”

The learned single Judge disagreed with the opinion of the Madras High Court, where the Madras High Court opined that sending a document to the expert, without marking, is impermissible.

¹⁰ C.R.P.No.1379 of 2019 dated 03.07.2019

26. In fact, as observed *supra*, the defendants alternatively would contend that the thumb impression of the 1st defendant is available in the connected suit O.S.No.6 of 2015 and the same can be sent to the expert for comparison, which reveals that the 1st defendant participated in the trial in O.S.No.6 of 2015. Keeping in view of the ratio laid down by the Hon'ble Apex Court in **Jaspal Singh's** case (*supra*-7), the science of identifying thumb impressions is an exact science; this Court is of the considered opinion that the trial Court failed to exercise the jurisdiction vested in it. The orders passed by the trial court brook interference.

27. Given the facts and circumstances of the case, the Civil Revision Petitions are allowed. The orders dated 24.07.2025 in I.A.Nos.402 and 403 of 2024 in O.S.No.22 of 2024 on the file of Civil Judge (Senior Division), Gooty, are set aside. I.A.Nos.402 and 403 of 2024 in O.S.No.22 of 2024 stand allowed. The trial Court shall get the thumb impression of the 1st defendant and thereafter send the same to the fingerprint expert for comparison with the thumb impression on the suit agreement dated 11.02.1992. No costs.

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

JUSTICE SUBBA REDDY SATTI

PVD

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No