

2025 LiveLaw (SC) 1083

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

M.M. SUNDRESH; J., SATISH CHANDRA SHARMA; J.

NOVEMBER 04, 2025

CIVIL APPEAL NO. 13354 /2025 [@ SLP [C] NO.21149/2024]

HUSSAIN BIN AWAZ *versus* MITTAPALLY VENKATARAMULU & ORS.

Evidence Act, 1872 - Section 45, 73 - Comparison of Signature/Handwriting - Suit for Declaration and Injunction – Held, power under Section 45 read with Section 73 of the Act, which allows the court to compare disputed signatures or handwriting with admitted ones, can only be invoked for an admitted document for the purpose of comparison of signatures or handwriting - The High Court erred in allowing an application under Section 45 read with Section 73 of the Indian Evidence Act, 1872, at the revisional stage, after the trial had already concluded - Appeal allowed.

[Arising out of impugned final judgment and order dated 05-08-2024 in CRP No. 1990/2024 passed by the High Court for The State of Telangana at Hyderabad]

For Petitioner(s) Mr. L. Narasimha Reddy, Sr. Adv. Mr. P. Venkat Reddy, Adv. Mr. Prashant Kumar Tyagi, Adv. Mr. P.srinivas Reddy, Adv. M/s Venkat Palwai Law Associates, AOR

For Respondent(s) Mr. D. Manohar Rao, Adv. Mr. Hanuman Prasad, Adv. Mr. Varun Punia, AOR

ORDER

Leave granted.

The short issue for consideration in the present appeal is as to whether the High Court, at the revisional stage, ought to have allowed the application invoking Section 45 read with Section 73 of the then Indian Evidence Act, 1872 (for short ‘the Act’) when the trial has already concluded, that too the applicant being the defendant in a suit for declaration and injunction.

In our considered view, the High Court has committed an error in reversing the order passed by the Trial Court.

In a suit for declaration and injunction, it is for the plaintiff to prove his case. Section 45 read with Section 73 of the Act, can only be invoked for an admitted document for the purpose of comparison of signatures or handwriting.

In such view of the matter, we are inclined to set aside the impugned judgment.

Accordingly, the impugned judgment passed by the High Court is set aside and the order of the Trial Court is restored.

We make it clear that all issues are left open.

The appeal stands allowed, accordingly.

Pending application(s), if any, shall stand disposed of.