

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE,
MEDCHAL, AT HYDERABAD**

I.A.No. OF 2023
 IN
O.S. NO. 535 OF 2015

Between:

Smt. Deepthi Radhaswamy,

PETITIONER/ DEFENDANT No.3

AND

B.Chakradhari & Ors.

RESPONDENT/ PLAINTIFF

AFFIDAVIT

I, Smt. Deepthi Balagiri D/o. Late Mr. Sreekakulam Radhaswamy, W/o. Balagiri, aged about 50 years, R/o: R/o. H. No. 13/70, Savitha Bldg, Pestom Sagar Road No. 2, Chembur, Mumbai, Maharashtra – 400089, do hereby solemnly affirm and state on oath as follows:

1. I state that I am the Petitioner herein and Defendant No. 3 in the above case and hence I am well conversant with the facts of the case and able to depose as under:
2. At the very outset, it is most humbly submitted that a suit for Specific performance was initiated by Respondent No.1 against the Petitioner and Respondent no. 2 and 3 in respect of the Suit Schedule Property based on a false, forged and concocted Agreement of Sale dated 23.01.2015, purported to have been executed by the Petitioner herein.
3. It is relevant to note that, originally, Mr. Sreekakulam Radhaswamy who is the grandfather of the Defendant 1 & 2 and father of Defendant 3/Petitioner was the owner and possessor of Plot No. 17 & 18, admeasuring an extent of 257 sq. yds. each in Sy. No. 32/ Part,



Murharipally Village, Yadara Mandal, Medchal District, i.e Suit Schedule Property herein. He had transferred the Suit Schedule Property to the Defendants 1 & 2 respectively by way of registered gift deeds, bearing nos. 7899 and 7898 of 2005 dated 17.05.2005. By virtue of the above gift, the Defendants 1 & 2, had become the absolute owners of the Suit Schedule Property.

4. It is the case of the Respondent No. 1/Plaintiff that a sum of Rs. 12,00,000/- was lent by him to the Petitioner in 2010 and as repayment of the said alleged loan amount, the Agreement of Sale dated 23.01.2015 was executed by the Petitioner/Defendant No. 3 in the year 2015 as a guardian of the Defendant No. 1 and 2. The said contentions are a blatant lie and has been specifically denied by the Petitioner in her written statement as well as the Defendant No. 1 and 2 in their written statements.
5. It is reiterated that the Petitioner has not availed a loan of Rs 12 Lacs in 2010 from Respondent No. 1. The Petitioner has always been financially secured and was never in need of money, she has been receiving sufficient rental income from the year 2005 and had her own source of income. The Petitioner hence did not avail any loan nor propose to sell the Schedule property to Respondent No. 1 in lieu of repaying the loan.
6. It is humbly submitted that until 23.08.2023, the Respondent No. 1/Plaintiff had not filed any document/proof to establish the alleged payment of the loan amount to the Defendant No. 3. However, an application was moved by the Respondent No. 1/Plaintiff to file an alleged bank statement evidencing transfer of the alleged loan amount by way of an entry in the name of 'Deepthi'.
7. It is most humbly submitted that the said bank statement has been filed by the Respondent No. 1 as an afterthought and is neither admissible in law or in fact.

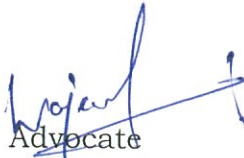
Deepthi

8. In these changed circumstances, in view of the additional evidence led by the Respondent No. 1/Plaintiff, to be able to establish that the alleged Agreement of Sale dated 23.01.2015 was not executed by her and contain forged signatures of her, the Petitioner is filing the present application for purposes of bringing the true facts to the notice of this Hon'ble Court by way of matching the Signature contained in the the Agreement of Sale dated 23.01.2015 with the Petitioner/Defendant No. 3.
9. It is most humbly submitted that the Petitioner herein, is filing the current Petition before this Hon'ble court under Order 26 Rule 10A read with Section 45, 47 and 73 of the Indian Evidence Act read with Section 151 of the Code of Civil Procedure, 1908 seeking a direction to refer the Agreement of Sale dated 23.01.2015 containing alleged signature of the Petitioner/Defendant No. 3 to a commissioner and send the specimen samples to Directorate of Forensic Science and call for the report to decide whether the signature of the Petitioner in Agreement of Sale dated 23.01.2015 and the signature provided by Petitioner/Defendant No. 3 before the Court is of the same person or not.

Hence, it is therefore prayed that this Hon'ble Court may be pleased to send the specimen samples to Directorate of Forensic Science calling for the report and pass such other order or orders as this Hon'ble Court may deem fit in the interest of justice.

Sworn and signed before me on this the
___ day of September, 2023 at Medchal


Deponent


Advocate

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE,
MEDCHAL, AT HYDERABAD**

I.A.No. OF 2023

IN

O.S. NO. 535 OF 2015

Between:

Smt. Deepthi Rajesh,
D/o Mr. Radhaswamy
Aged 49, Occ: Business
R/o . 74/6, East Maredpally,
Secunderabad - 500026

PETITIONER/ DEFENDANT No. 3

AND

1. Mr. B. Chakradhari,
S/o. B. Seetharama Sarma,
Aged about 47 years,
R/o. Plot No. 16, RK Housing Society,
ECIL Post, Hyderabad-500062

RESPONDENT No. 1/PLAINTIFF

2. Mr. C. Shashir
S/o. C. Rajesh
Aged about 18 years,
R/o. United Kingdom

3. Mrs. C. Vithica
D/o. C. Rajesh
Aged about 22 years,
R/o. United Kingdom

(Respondent No's 2 and 3 are
Pro-forma parties)

RESPONDENT No's 2 & 3

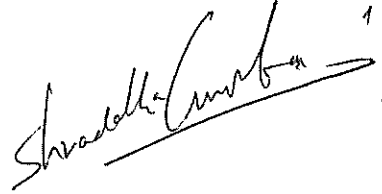
**PETITION FILED UNDER ORDER 26 RULE 10 A R/W S. 45, 47 & 73 OF
THE INDIAN EVIDENCE ACT R/W S. 151 OF CPC.**

For the reason stated in the Affidavit, it is therefore prayed that, this Hon'ble Court may be pleased to send the original Agreement of Sale dated 23.01.2015 for examination of the signatures of Petitioner on the said agreement with the specimen samples of signatures of the

Petitioner/Defendant No. 3 in other papers available before this Hon'ble Court, to Directorate of Forensic Science, calling for the report on comparison of both signatures and pass such other order or orders as this Hon'ble Court may deem fit in the interest of justice.

Place: Medchal

Date: .09.2023

A handwritten signature in black ink, appearing to read 'Shradha Kumar', with a long horizontal flourish extending to the right. A small superscript '1' is located at the end of the flourish.

Counsel for the Petitioner/
Defendant No. 3

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Smt. Deepthi Rajesh,

PETITIONER/ DEFENDANT No.3

AND

B.Chakradhari & Ors.,

RESPONDENTS

**PETITION FILED UNDER
ORDER 26 RULE 10 A
R/W S. 45, 47 & 73 OF THE
INDIAN EVIDENCE ACT R/W S.
151 OF CPC**

Filed On: .09.2023

Filed By:

**SHRADDHA GUPTA
NIKHITHA HARI
LAKSHMI AISWARYA
ADVOCATES**

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