

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

OP(C).No. 916 of 2015 (O)

I.A.no. 684/2015 in O.S. NO. 210/2010 OF MUNSIF COURT,
CHENGANOOR.

PETITIONER(S):

ANTIHA GIREESH KUMAR AGED 35 YEARS
W/O.GIREESH, THANNIKAL HOUSE, EDANAD MURIYIL
CHENGANASSERY VILLAGE, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENT(S)/RESPONDENTS:

1. RAJENDRAPRASAD,
THANNIKAL HOUSE, EDANAD MURIYIL,
CHENGANASSERY VILLAGE
PATHANAMTHITTA DISTRICT - 689 645.
2. RAJALAKSHMI,
D/O.RAJENDRAPRASAD, THANNIKAL HOUSE,
EDANAD MURIYIL,
CHENGANASSERY VILLAGE,
PATHANAMTHITTA DISTRICT - 689 645.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(C).No. 916 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: A TRUE PHOTOCOPY OF THE ORIGINAL SUIT IN OS 210/2010
PENDING BEFORE MUNSIF COURT, CHENGANOOR.

EXT.P2: TRUE COPY PHOTO COPY OF THE WRITTEN STATEMENT
FILED IN OS 210/2010.

EXT.P3: TRUE COPY OF WILL DEED DATED 03/01/2003 EXECUTED BY
KUTTAPILLAE.

EXT.P4: A TRUE PHOTOCOPY OF THE ORIGINAL SUIT IN OS 81/2010
PENDING BEFORE MUNSIF COURT, CHENGANOOR.

EXT.P5: TRUE COPY PHOTO COPY OF THE WRITTEN STATEMENT
FILED IN OS 81/2010.

EXT.P6: THE TRUE COPY OF THE AFFIDAVIT AND PETITION FILED BY
THE PETITIONER TO REOPEN THE EVIDENCE.

RESPONDENT(S)' EXHIBITS

P. BHAVADASAN, J.

O.P.(C). No. 916 of 2015

Dated this the 8th day of April, 2015.

JUDGMENT

Under challenge is the order dated 25.3.2015 in I.A. No. 684 of 2015 in O.S. 210 of 2013, a petition filed by the petitioner to re-open the evidence and also to get expert opinion from the Forensic Science Laboratory regarding the signature in the disputed document.

2. The court below has observed that the petition has been filed at the fag end of trial and the relief sought for by the petitioner was for adducing evidence with reference to a report from the FSL is unfounded for the simple reason that the petitioner has not disputed the signature of the executant in the Will.

3. Moreover, the court below also found that the trial has progressed to a good extent and the petition is highly belated.

4. Learned counsel for the petitioner pointed out that there were several contradictions in the evidence of the witnesses. It is absolutely necessary to obtain report from the FSL regarding the signature in the disputed document.

5. Both the contentions have no basis. The petitioner has been given ample opportunity to adduce evidence and it could not be said that he has been deprived of an opportunity to adduce evidence. As far as the report from the FSL is concerned, the court below has noticed that there is no plea in the written statement that the signature found in the Will concerned is not that of the executor or the testator. If that be so, the court below was justified in declining relief to the petitioner.

This Original Petition is without merits and it is accordingly dismissed.

sb.

P. BHAVADASAN,
JUDGE