

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Civil Revision Petition No.3743 of 2015

Date: 26-10-2015

Between:

S.P. Hussaini

.. Petitioner

AND

Mohd. Himayat Hussain

.. Respondent

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Civil Revision Petition No.3743 of 2015

ORDER:

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Heard the learned counsel for the petitioner and the learned counsel for the respondent.

Assailing the order dated 12-03-2014 passed in I.A.No.975 of 2013 in I.A.No.412 of 2013 in O.S.No.151 of 2013 on the file of Principal Junior Civil Judge, Karimnagar, the present Civil Revision Petition is filed under Article 227 of the Constitution of India.

The revision petitioner filed O.S.No.151 of 2013 seeking permanent injunction against the respondent/defendant. Pending the said suit, the respondent/ defendant filed I.A.No.975 of 2013 disputing his signature on Kirainama dated 02-08-2010 and as such, he requested for sending the said Kirainama to an Handwriting Expert for comparison of disputed signature on Kirainama with his admitted signatures. As the respondent/ revision petitioner neither filed any counter nor appeared before the Court, the Court below allowed the application by its order

dated 12-03-2014 sending the document to an Handwriting Expert with admitted signature on payment of Rs.3,000/- fees to be payable by the respondent/defendant.

A perusal of the material on record show that though the impugned order was passed on 12-03-2014, the present revision petition is filed in the year 2015.

At the time when the matter is taken up for hearing, the learned counsel for the revision petitioner fairly submits that pursuant to the order dated 12-03-2014 passed by the Court below, the document was sent to the Handwriting Expert and a report was also received by the trial Court from the Handwriting Expert. That being the position, the learned counsel for the petitioner represents that the revision petitioner may be given an opportunity to prove the admissibility and reliability of the report of the Handwriting Expert during the course of trial.

As stated earlier, though the impugned order came to be passed in the month of March, 2014, the present revision petition has been filed under Article 227 of the Constitution of India after lapse of nearly one year and six months from the date of the impugned order. In addition to that, the learned counsel for the revision petitioner brought to the notice of the Court the receipt of the report of the Handwriting Expert by the Court below.

In view of the above circumstances, this court is of the view that the question of setting aside the impugned order does not arise at this point of time. Suffice would it be to say that the revision petitioner can always plead the evidentiary value of the said report during the course of trial.

Accordingly, the Civil Revision Petition is disposed of, leaving it open to the revision petitioner to plead and prove the evidentiary value and the relevancy of the report to the case

during the course of trial. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 26-10-2015

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