

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.78 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff aggrieved by the order and decree dated 23.09.2014 in I.A.No.545 of 2014 in O.S.No.155 of 2005 passed by the Principal Junior Civil Judge, Avanigadda, Krishna District, dismissing the application filed by her under Section 45 of the Indian Evidence Act, 1872 seeking to send Ex.A.1 Will dated 9.8.1998 to the Government Examiner for the purpose of comparison of thumb impressions of Yarlagadda Venkata Narasamma available on the admitted document i.e., Will dated 21.3.1987 and his opinion.

2. The petitioner/plaintiff filed the aforesaid suit for declaration of title based on Ex.A.1 Will dated 9.8.1998, which is said to have been executed by one Yarlagadda Venkata Narasamma. When the respondent/defendant disputed execution of the said Will, the petitioner/plaintiff earlier filed an application for comparison of the signatures of said Yarlagadda Venkata Narasamma on Ex.A.1 Will dated 9.8.1998 with that of her admitted signatures on the

registered Will dated 21.3.1987 and report of the Expert was received opining that the signatures on Ex.A.1 Will are not similar to that of the admitted signatures of Yarlagadda Venkata Narasamma on the registered Will dated 21.3.1987. At this stage, the petitioner/plaintiff has filed the present application in I.A.No.545 of 2014 in O.S.No.155 of 2005 under Section 45 of the Indian Evidence Act, 1872 seeking to send Ex.A.1 Will dated 9.8.1998 to the Government Examiner for the purpose of comparison of thumb impressions of Yarlagadda Venkata Narasamma available on the admitted document i.e., Will dated 21.3.1987 and his opinion. The Court below dismissed the said application through the impugned order dated 23.09.2014. Hence, the present civil revision petition.

3. Heard learned counsel for the petitioner/plaintiff and perused the impugned order.

4. Admittedly, there are signatures of Yarlagadda Venkata Narasamma on both the documents i.e., Ex.A.1 Will dated 9.8.1998 and registered Will dated 21.3.1987 and earlier opinion of the Expert was also obtained stating that the signatures on Ex.A.1 are not similar to that of the admitted signatures on the registered Will dated 21.3.1987. At this stage, the petitioner/plaintiff cannot again seek opinion of the Expert regarding thumb

impression of Yarlagadda Venkata Narasamma on the very same documents. If there are objections on the report of the Expert, it is open for the petitioner/plaintiff to file objections to the same, but cannot again seek for comparison of thumb impressions on the very same documents.

5. For the aforesaid reasons, this civil revision petition is devoid of merits and is accordingly dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
06.03.2015.
Msr

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