

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4283 of 2014

Date:30.01.2015

Between:

Balvinder Singh,
S/o S.Satpal Singh

..... Petitioner

And:

P.Anji Reddy,
S/o P.Narsi Reddy and two others.

.....Respondents

Counsel for the petitioner: Sri Shyam S.Agarwal

Counsel for the Respondents: ---

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 24.06.2014, in I.A.No.206 of 2014 in O.S.No.154 of 2003 on the file of learned V Additional District Judge (Fast Track Court), Ranga Reddy District at L.B.Nagar, whereby he has allowed the application filed by respondent No.3/defendant No.3 to send Ex.A-1-agreement of sale, dated 22.06.2000, for the opinion of the handwriting expert.

I have heard Sri Shyam S.Agarwal, learned counsel for the petitioner and perused the record.

The petitioner filed the above-mentioned suit for specific performance of agreement of sale. Respondent No.3 in his written statement has denied execution of the said agreement. On an earlier occasion, respondent No.3

has filed I.A.No.694 of 2006 for sending the suit document for opinion of handwriting expert. The said I.A. was dismissed on the ground that as the other defendants may also come forward with the same prayer at the fag end of the suit, it would be better to consider the request of respondent No.3 after letting out the entire evidence by both the parties. It is on this basis that the lower Court has allowed IA.No.206 of 2014 filed by respondent No.3.

In my opinion, though the burden lies on the plaintiff to prove the suit document, no prejudice will be caused to his interests if respondent No.3 takes upon himself the task of proving that the suit document is not executed by him. Far from causing any such prejudice, it would be in the interests of the plaintiff himself that the opinion of an expert is rendered making his task easier if the suit document was really executed by respondent No.3.

In this view of the matter, I do not find any reason to interfere with the discretion exercised by the lower Court. However, the lower Court is directed to ensure that the expert's opinion is received as expeditiously as possible and the suit is disposed of within two months from the date of receipt of the expert's opinion.

Subject to the above directions, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.5872 of 2014 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*30th January 2015
DR*