

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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C.R.P. NO. 2167 of 2015

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Date of Judgment: 19.6.2015

Between:

Kokalakari Rosi Reddy

...Petitioner

And

Vanjivakam Kuppaiah Pillai

..Respondent

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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ORDER:

The petitioner/plaintiff questions the order dated 4.6.2015 passed by the Principal Junior Civil Judge, Tirupati in I.A.No. 931 of 2013 in O.S.No. 533 of 2007 allowing the application filed by the respondent/defendant under Order 26, Rule 1 of the Code of Civil Procedure for appointment of an advocate-Commissioner to examine handwriting expert. The said application was opposed by the petitioner/plaintiff on the ground that the expert who has given the report ought to be examined in the Court and in that regard, he has relied upon a decision of this Court reported in *D. Chandrakala and others Vs. Matashrama Seva Sangam* .

I have heard learned counsel for the petitioner. However, I am not inclined to accept his contention particularly in view of the object and spirit behind the Order 26, Rule 1 of C.P.C. and Order 18, Rule 4 of C.P.C. The expert who has already given a report merely be examined and cross-examined in the presence of the Commissioner instead of Court. Appointment of advocate-commissioner is only to save the time of the Court. Hence no interference is called for.

The revision petition is accordingly dismissed along with miscellaneous applications, if any. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 19.6.2015

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