

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO**

**C.R.P.Nos.1814, 3670 & 3944 of 2014**

**COMMON ORDER:**

Heard Sri Prabhakar Sripada, learned counsel for the petitioner in C.R.P.Nos.1814 and 3670 of 2014 and for the respondent in C.R.P.No.3944 of 2014 and Sri V.R.Reddy Kovvuri, learned counsel for the respondents in C.R.P.Nos.1814 and 3670 of 2014 and for the petitioners in C.R.P.No.3944 of 2014.

2. The petitioner in C.R.P.Nos.1814 and 3670 of 2014 is the respondent in C.R.P.No.3944 of 2014 and he is the plaintiff in O.S.No.688 of 2007. The said suit is filed for grant of relief of perpetual injunction against respondents in C.R.P.Nos.1814 and 3670 of 2014 who are petitioners in C.R.P.No.3944 of 2014 and who are defendants in the said suit.

3. The parties will be referred to as per their array in the suit.

4. During the course of trial, an unregistered Will was filed by the defendants, which was marked as Ex.B-12. The plaintiff disputed the same and wanted it to be sent to an expert for scientific examination and filed I.A.No.276 of 2013 for the said relief. It was dismissed on 19-08-2013. He again filed I.A.No.711 of 2013 for the same relief. This was also dismissed on 13-02-2014. In the meantime, the defendants filed I.A.No.121 of 2014 to reopen the evidence of the defendants so that they can examine the attester of Ex.B-12 who is D.W.2. That application was also dismissed on 19-03-2014.

5. C.R.P.No.3670 of 2014 is filed questioning the order dt.19-08-2013 in I.A.No.276 of 2013; C.R.P.No.1814 of 2014 is filed questioning the order dt.13-02-2014 in I.A.No.711 of 2013;

and C.R.P.No.3944 of 2014 is filed questioning the order dt.19-03-2014 in I.A.No.121 of 2014.

6. The learned counsel for the petitioner in C.R.P.Nos.1814 and 3670 of 2014 and who is appearing for the respondent in C.R.P.No.3944 of 2014 states that he has no objection in allowing C.R.P.No.3944 of 2014.

7. Likewise, the learned counsel for the respondents in C.R.P.Nos.1814 and 3670 of 2014 and who is also appearing for the petitioners in C.R.P.No.3944 of 2014 states that he has no objection for allowing C.R.P.No. 3670 of 2014.

8. Having regard to the said submissions, the orders dt.19-08-2013 in I.A.No.276 of 2013 in O.S.No.688 of 2007 on the file of the Principal Junior Civil Judge, Kadapa is set aside and C.R.P.No.3670 of 2014 is allowed. In view of this, no further orders are required in C.R.P.No.1814 of 2014 and the same is closed. C.R.P.No.3944 of 2014 is also allowed and the order dt.19-03-2014 in I.A.No.121 of 2014 is also set aside. Accordingly, the lower Court is directed to reopen the evidence of D.W.2 and permit him to be examined further in regard to Ex.B-12 unregistered Will and also send the said Ex.B-12 unregistered Will to A.P. Forensic Science Laboratory, Hyderabad-500 004 for opinion with regard to the age of the ink, paper and for comparison of the signatures of the testator with the admitted signature of the testator available on Exs.A-2 and A-3.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

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**JUSTICE M.S. RAMACHANDRA RAO**

Date : 27-01-2015

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