

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NO.3990 OF 2012

ORDER:

The order under challenge in this revision is the order passed by the Senior Civil Judge, Srikalahasti, in I.A.No.412 of 2012 in O.S.No.63 of 2009 dated 28.06.2012.

The respondents filed an application requesting the Court below to call for certain records from the Additional Junior Civil Judge's Court, Srikalahasti. The record called for is the report of the Finger Print Expert of the Forensic Science Laboratory, Hyderabad, who is said to have examined the disputed thumb marks on the disputed documents in the suit, with the purported executant and another. The Court below held that, as these documents were relevant, they could be called for and, if the petition was allowed, no prejudice would be caused to the respondents.

Sri T.Janardhan Rao, learned counsel for the petitioners, would submit that, as calling for the said record would not only effect the defendants in the Criminal Case, but also result in delay in disposal of the Criminal Case, the request should not have been acceded to.

The Court below has merely called for the report of the Finger Print Expert, from the Forensic Science Laboratory, Hyderabad, to ascertain whether the signatures were genuine or not. The discretion exercised by the Court below does not necessitate interference in proceedings under Article 227 of the Constitution of India. Suffice it to observe that the Court below shall send the records back to the Court of the Additional Junior Civil Judge, Srikalahasti, at the earliest and ensure that no delay is caused in the disposal of the pending Criminal Case.

The Civil Revision Petition fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, J)

13th March 2015
RRB