

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

-

-

CIVIL REVISION PETITION No.3470 OF 2013

-

ORDER:

-

This Revision is filed under Article 227 of the Constitution of India challenging the order dated 18.02.2011 in I.A.No.2845 of 2010 in O.S.No.32 of 2004 on the file of the Principal District Judge, Kadapa.

The petitioners herein are the legal representatives of the plaintiff.

The suit was filed for specific performance of a re-conveyance deed dated 17.04.2003 allegedly executed by the respondent/defendant in favour of the plaintiff. Written Statement was filed opposing grant of relief to the plaintiff and also taking a plea that the said agreement of re-conveyance deed is a forged one. Issues were framed and trial was commenced.

The respondent/defendant then filed I.A.No.2845 of 2010 under Order XIII Rule 10 C.P.C. to send Ex.A1, the alleged re-conveyance agreement, to a Handwriting Expert for comparison with the admitted signatures of the petitioner/plaintiff.

Notice in this application was ordered to the petitioner/plaintiff, who filed a counter saying that the petition is belated and filed to procrastinate the matter which is of the year 2004.

By order dated 18.02.2011, the Court below allowed the said application.

On 23.07.2013, this Revision has been filed questioning the said order.

Since it is the specific case of the respondent/defendant that Ex.A1 is forged and fabricated, the burden would lie on him to prove the said fact and, therefore, no fault can be found with the order passed by the Court below.

It is brought to my notice that in the meantime, Ex.A1 had been sent to the Handwriting Expert and he had also sent his opinion to the Court after comparing

the signatures thereon with the admitted signatures of the defendant. No reason has been assigned by the petitioner as to the delay in approaching this Court.

Therefore, I do not find any merit in this Revision and the same is accordingly dismissed.

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

M.S.
RAMACHANDRA RAO, J

Date:15.04.2015

KH