

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION No.1023 of 2015

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the Principal Junior Civil Judge, Piler, in I.A. No.778 of 2014 in O.S. No.113 of 2003 dated 30.01.2015.

The petitioner in the I.A. is the 3rd defendant in the suit. The petitioner in this revision is the plaintiff in O.S. No.113 of 2003 filed for specific performance of an agreement of sale. After the plaintiff had adduced evidence, an application was filed by the 3rd defendant under Section 45 of the Indian Evidence Act to send a copy of the agreement of sale for verification by a handwriting expert. The petitioner herein contended before the Court below that the application was filed belatedly, eleven years after the suit was filed, only to drag on proceedings. The Court below, relying on the judgment of this Court in **Medikonda Rama Swarajyalakshmi v. Posina Satyanarayana**^[1], held that mere delay in filing the application would not preclude the Court from referring the document for verification by a hand writing expert, and no prejudice would be caused thereby to the plaintiff.

Sri E. Srimanth Reddy, Learned Counsel for the petitioner, would submit that prejudice is caused to the petitioner-plaintiff, as referring the document for verification by a handwriting expert would result in further delay in disposal of the suit which has been pending on the file of the Principal Junior Civil Judge, Piler for the last eleven years.

While the submission of the Learned Counsel has considerable force, it must also be borne in mind that the jurisdiction which this Court exercises, under Article 227 of the Constitution of India, is supervisory and not appellate and, save patent illegality or substantial injustice being caused to the petitioner, no interference would be called for. The order of the Court below does not suffer from any such infirmity.

As the suit, in O.S. No.113 of 2003, has been pending on the file of the Court below for the past eleven years, the Court below shall decide the suit with utmost expedition, in any event not later than six months from the date of receipt of a copy of this order. The Civil Revision Petition is disposed of accordingly. No costs.

(RAMESH RANGANATHAN, J)

Date: 27.03.2015

MRKR

[\[1\]](#) 1999(1) ALT 222