

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

C.R.P. No.5491 of 2016

O R D E R:

This Civil Revision Petition is filed challenging the order dt.20.09.2016 in I.A.No.728 of 2016 in O.S.No.264 of 2010 of the IV Additional District Judge, Tanuku, West Godavari District.

2. Petitioner is the plaintiff in the above suit. He filed the said suit for partition of plaint schedule properties and for recovery of possession of his 1/3rd share therein and for other reliefs.

3. The respondents, during the course of their evidence, produced a Will Deed dt.07.11.2001 which was marked as Ex.B1.

4. Petitioner then filed I.A.No.728 of 2016 contending that the said Will is a forged one, that it was written on a non-judicial stamp paper, that the said paper itself is a fake document and not issued by concerned authorities and this fact can be determined only by summoning the District Registrar, Bhimavaram to appear and produce the Stamp Vending Register pertaining to the Stamp Vendor Ch.V.Subrahmanyam of the year 2001 and also to produce the Document Writer License given to the scribe of the Will.

5. The respondents filed counter opposing this application and contending that summoning the District Registrar is unnecessary since even an unlicensed person can scribe a Will.

6. By order dt.20.09.2016, the Court below dismissed the said application holding that examining the District Registrar would be futile since a Will can be scribed by any person and no license is required to scribe it.

7. Challenging the same this Revision is filed.

8. Though counsel for the petitioner contends that this reasoning is incorrect and that it is necessary to know about the renewal of the license of the scribe, I disagree with his contention since a Will can be scribed by any person and no license is required to scribe it.

9. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference of this Court under Article 227 of the Constitution of India.

10. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

11. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

25th November, 2016
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