

THE HON'BLE SRI JUSTICE A.V. SESA SAI

CIVIL REVISION PETITION No.3868 of 2016

ORDER:

Defendants in O.S.No.15 of 2014 on the file of the Court of the III Additional District Judge, Anantapuramu are the petitioners in the present revision, filed under Article 227 of the Constitution of India.

This revision, challenges the order passed by the said Court in I.A.No.947 of 2015.

Heard, Sri K. Srinivas, learned counsel for the petitioners and Sri K. Narsi Reddy, learned counsel for the respondent and perused the material available before this Court.

The respondent herein instituted the said suit for recovery of amount on the foot of promissory notes. In the said suit the defendants/petitioners herein filed the present I.A.No.947 of 2015 under the provisions of Section 45 of the Indian Evidence Act, praying the Court below to send the signatures of the husband of the 1st petitioner for the opinion of the expert.

The learned III Additional District Judge, by way of an order, which is impugned in the present revision, dismissed the said application on 19-04-2016.

According to the learned counsel for the petitioners, the order passed by the Court below is erroneous and contrary to law and opposed to the very spirit and object of provisions of Section 45 of the Indian Evidence Act. It is further stated that the Court below should have given opportunity to the petitioners to produce the admitted signatures of the husband of the 1st petitioner and should not have dismissed the application.

On the contrary, it is contended by learned counsel for the plaintiff/respondent herein that there is no error nor there exists any infirmity in the impugned order and the order passed by the Court below cannot be faulted in view of the latches on the part of the petitioners herein.

A perusal of the order under challenge, in clear and vivid terms, reveals that despite taking a number of adjournments the petitioners herein did not produce the admitted signatures of the husband of the 1st defendant. The Court below also noted that almost seven (7) months lapsed from the date of filing of the petition and the petitioners did not take any steps. The Court below also observed that the present application is only for the purpose of delaying the suit.

It is settled and well-established proposition of law that unless the order impugned suffers from perversity and lack of

jurisdiction, the jurisdiction of this Court cannot be permitted to be invoked under Article 227 of the Constitution of India. In the instant case, this Court finds no such contingency, as such, this Court does not find any valid reason to meddle with the order passed by the Court below.

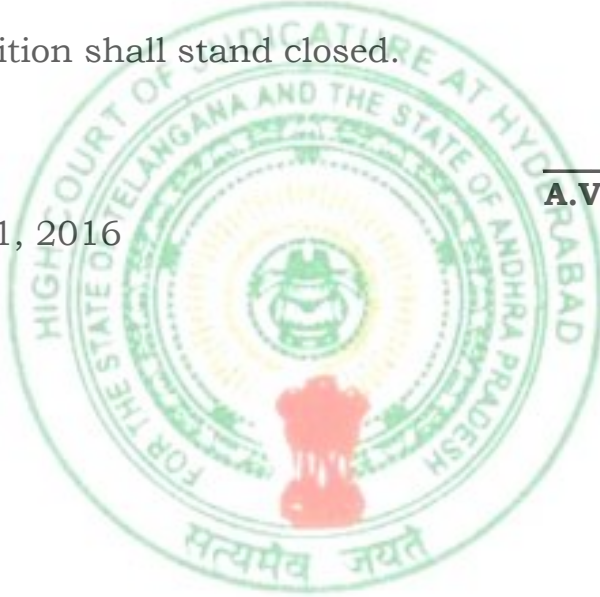
For the aforesaid reasons, the Civil Revision Petition is dismissed. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

November 11, 2016

Pn

A.V. SESA SAI, J



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