

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3148 of 2016

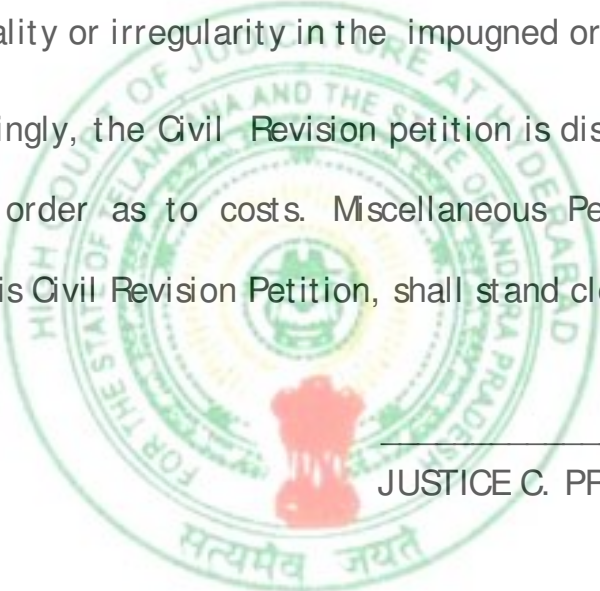
ORDER:

- 1) The present Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the order dated 04.04.2016 in I.A.No.247 of 2016 in O.S.No.144 of 2010 on the file of the Additional Senior Civil Judge, Tirupati, wherein the petition filed under Order 13 Rule 10 read with 151 C.P.C. to send the documents to the expert, was rejected.
- 2) As seen from the record, O.S.No.144 of 2010 came to be filed basing on an agreement of sale to get a regular registered deed in respect of plaint schedule property. In the said suit the defendant contended that the agreement of sale is forged and fabricated. A perusal of the material on record also discloses that earlier the petitioner filed I.A.No.43 of 2015 under Section 45 of the Evidence Act to send the suit agreement of sale to the hand writing expert for his opinion, which was allowed. The expert addressed a letter to send further admitted signature for giving his opinion. Hence, the defendant filed a petition under Order 13 Rule 10 read with Section 151 of C.P.C. to send account opening application of the defendant and also send the minutes book of the society wherein the defendant subscribed her signature in the said book while she worked as Secretary of the society.

3) It is to be noted that the said provision speaks of sending the documents which are in the custody of the Court. Since the documents are not in custody of the Court, the trial Court right rejected the request. Apart from that the record discloses that pending C.R.P. the petitioner herein filed another I.A. under Order 16 Rules. 6 and 7 read with Section 151 of C.P.C. to issue summons to the witnesses to produce the documents, which is pending.

4) Having regard to the facts and circumstances of the case, I see no illegality or irregularity in the impugned order.

5) Accordingly, the Civil Revision petition is dismissed. There shall be no order as to costs. Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.



JUSTICE C. PRAVEEN KUMAR

12.09.2016
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