

**HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

**Civil Revision Petition No.3388 of 2016**

**ORDER:**

In an appeal arising out of the dismissal of a suit for declaration, the petitioner/defendant took out an application under Section 45 of the Indian Evidence Act, 1872 to send Ex.A.1 Will for examination by a finger print examiner. The First Appellate Court rejected the application, forcing the petitioner to come up with the above Civil Revision Petition.

2. First of all the petitioner did not take steps before the trial Court to seek the document to be sent for examination by a finger print expert. After the suit was decreed and after three years of the filing of the appeal, he filed this application when the appeal itself was ripe for hearing. Therefore, the First Appellate Court was right in rejecting the application.

Therefore, the Civil Revision Petition is dismissed.

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

---

**V. RAMASUBRAMANIAN, J**

Date: 28-10-2016

Ksn