

THE HON'BLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.5463 OF 2016

ORDER:

This Civil Revision Petition is filed by the petitioner aggrieved by marking of Photostat copy of document, dated 11.04.1972, as Ex.B-8, by the learned Advocate Commissioner, in the course of cross-examination of PW-3 on 22.10.2016 in O.S No.98 of 2012, on the file of the IV Additional District and Sessions Judge, Kakinada, East Godavari District.

Heard and perused the material available on record.

The petitioner filed O.S No.98 of 2012 before the IV Additional District Judge, Kakinada, for the relief of permanent injunction, restraining the respondents from her peaceful possession and enjoyment of the plaint schedule property. During the course of trial, PW.3, who is the scribe of Will, dated 11.04.1972, was cross-examined through an Advocate Commissioner. In his cross-examination, PW.3, marked a Photostat copy of the said Will and the same was marked as Ex.B8, which is not admissible in evidence. The learned counsel for the petitioner objected for marking of Photostat copy of the said document.

This Court perused the entire record. The record does not disclose that the petitioner made any objection at the time of marking of the said Photostat copy of the Will by PW.3, and he is also not able to substantiate that the Court has rejected his request. Therefore, this Court is of the view that even though the Photostat copy of Will, dated 11.04.1972, is marked through PW.3 as Ex.B8, the Court below can decide its admissibility, while passing the orders. Hence, this Court is not inclined to pass any orders in the above revision petition.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

November 16, 2016
KTL

