

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.3245 OF 2017

ORDER:

Heard Mr.SLakshminarayana Reddy for petitioner and Mr.T.S.Anand for 1st respondent.

The first appellant in A.S.No.31 of 2007 in the Court of II-Additional District Judge, Kurnool at Adoni is the revision petitioner. He is challenging the decree and judgment in O.S.No.47 of 1993 in A.S.No.31 of 2007. The suit of petitioner and respondents 2 to 7 for specific performance of agreement of sale was decreed. The present application is filed for sending Exs.A-9 and A-10 to Government Finger Print Expert for opinion under Section 45 of the Evidence Act. The prayer was rejected. Hence, the revision.

Mr.Lakshminarayana Reddy vehemently challenges the findings recorded by the learned District Judge on the ground that the reasoning suffers from a basic failure, as the prayers in these two applications viz., I.A.No.427 of 2006 in O.S.No.47 of 1993 and I.A.No.151 of 2017 in A.S.No.31 of 2007 are distinct and separate. According to him, the report helps the appellate Court which is the final Court on an issue of fact in arriving at correct findings. Therefore, he prays for setting aside the order and allowing the revision.

Mr.T.S.Anand, *per contra*, contends that the effort and object both in I.A.No.427 of 2006 and I.A.No.151 of 2017 is in substance one and the same. He demonstrates the casual manner in which the revision petitioner is prosecuting the litigation by relying upon the date of agreement of sale, the order in which the suit was filed,

the date of decree and judgment and filing of appeal in 2007 and filing of this application in 2017. According to him, the discretion exercised by the appellate Court is well within the jurisdiction of appellate Court and cases where laxity in conducting the litigation is obtained, this Court ought not to exercise its discretion and further delay the hearing of appeal.

I have noted the submissions of counsel appearing for parties and perused the record.

The submissions of petitioner are to be rejected as they are not brought home by sufficient reasoning or reference to relevant circumstances in this behalf. Further, from the chronology of events adverted to by appellate Court, it is clear that for both the reasons viz., that a similar or substantial request was rejected by the trial Court and that the petitioners are working out their prayers in a casual manner does not warrant interference.

The revision fails and is accordingly dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

S.V.BHATT,J

11th August 2017

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