

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.1575 OF 2017

ORDER:

This revision is filed under Article 227 of the Constitution of India challenging the docket order dated 20.10.2016 passed in O.S.No.136 of 2010 by the Senior Civil Judge at Sangareddy.

Docket order dated 20.10.2016 passed in O.S.No.136 of 2010 by the Senior Civil Judge at Sangareddy is as follows:

“Costs paid memo is filed. Document to be send to expert are filed. But they are not receivable. Call on for respondent's side evidence by 03.11.2016.”

It is the case of the petitioners that they filed an application I.A.No.471 of 2014 to send Exs.A.1 and A.2 to the expert for comparison and opinion.

By order dated 03.02.2015, the said petition was allowed directing the petitioners therein to deposit an amount of Rs.5,000/- in Civil Court deposit on or before 25.02.2015, on such deposit, the office is directed to send Exs.A.1 and A.2 to the handwriting expert in FSL, Hyderabad for comparison and opinion.

When the Court directed the office to send Exs.A.1 and A.2 to the handwriting expert in FSL, Hyderabad for comparison and opinion, the question of filing any other documents along with costs memo does not arise since the relief claimed in I.A.No.471 of 2014 in O.S.No.136 of 2010 is only to send Exs.A.1 and A.2 to the expert for comparison and opinion. The same relief was granted by order dated 03.02.2015 in the said I.A.No.471 of 2014, thereby receiving any other documents except Exs.A.1 and A.2, which are part of the record as they are already marked, does not arise.

Therefore, absolutely there is no error in the docket order passed by the trial Court dated 20.10.2016, declining to receive the documents filed along with costs memo since the order dated 03.02.2015 in I.A.No.471 of 2014 in O.S.No.136 of 2010 is clear that Exs.A.1 and A.2 alone be sent to the handwriting expert for comparison and opinion. Therefore, the trial Court is directed to send Exs.A.1 and A.2 to the handwriting expert in FSL, Hyderabad for comparison and opinion subject to compliance of other conditions specified in the order dated 03.02.2015 in I.A.No.471 of 2014.

With the above direction, the civil revision petition is disposed of at the stage of admission.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

13.04.2017
Ksp

