

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Civil Revision Petition Nos.469 and 1326 of 2017

COMMON ORDER:

CRP Nos.469 and 1326 of 2017 are filed by the petitioner/plaintiff aggrieved by the orders dt.07.11.2016 in I.A.Nos.2207 and 2312 of 2016 respectively in O.S.No.86 of 2014 on the file of Principal District Judge, Kadapa, whereby the learned Judge dismissed the petitions filed by the petitioner/plaintiff to summon the Sub-Registrar(Urban), Kadapa to produce the petition mentioned documents and to send Ex.B.3 to the Government Handwriting Expert to ascertain whether the attestors signed at the time of execution of Ex.B.3 or subsequently and to ascertain the age of handwriting of attestors 1 and 2 in Ex.B.3.

- 2) Heard both sides.
- 3) As can be seen, the trial Court dismissed both the petitions on the main ground that the petitions were filed at the belated stage when the matter was coming up for arguments. It must be noted that admittedly the petitioner/plaintiff has been challenging the genuineness of Ex.B.3—sale agreement dt.22.07.1979. As such, in the considered view of this Court, he has every right to lead evidence to vindicate his plea. Since valuable rights of the parties are at stake, delay cannot be a ground to defeat the ends of the justice. The trial Court committed error in dismissing the petitions on the ground of delay.

4) In the result, both the Civil Revision Petitions are allowed by setting aside the orders dt.07.11.2016 in I.A.Nos.2207 and 2312 of 2016 respectively in O.S.No.86 of 2014 on the file of Principal District Judge, Kadapa and consequently, both the I.As are allowed as prayed for. No costs.

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

U. DURGA PRASAD RAO, J

Date: 29.08.2017
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