

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.3007 of 2017

Order:

The petitioner, who was the plaintiff in the suit for partition and for cancellation of a relinquishment deed, has come up with the above revision challenging an order of the trial Court allowing the examination of finger print expert and handwriting expert on commission.

2. Heard Mr. Sai Gangadhar Chamarty, learned counsel for the petitioner.

3. Admittedly, the Court is in Gudivada. Two experts have given opinions from Hyderabad, upon the relinquishment deed being referred to them by the Court by a judicial order. It is true that the experts can go to Court and give evidence. But they have to travel from Hyderabad to Gudivada and every time an adjournment is sought, it will cause prejudice to the experts.

4. Today we are marching towards a regime where an expert's evidence can be recorded through Video Conference. This has ensured that the time of the experts is not taken away by travel. Therefore, I find nothing wrong in the Court below appointing an Advocate-Commissioner to record the evidence of the experts.

5. The grievance of the learned counsel for the petitioner is that the warrant does not make it clear that the parties will have a right to cross-examine the experts. But I do not think

that the grievance is justified. Whenever a witness is sought to be examined on commission, opposite parties are always entitled to cross-examine and this need not be doubted.

6. Hence, with the above clarification, the civil revision petition is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

30th June, 2017.
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