

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1799 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 09.01.2018 passed in I.A. No.1008 of 2017 in O.S. No.243 of 2011 on the file of the Principal Junior Civil Judge, Nizamabad (for short, 'the Court below'), wherein the Court below dismissed the application filed by the revision petitioner-3rd defendant under Order XIII Rule 10 of the Code of Civil Procedure, 1908 (C.P.C.) to call for some documents from the Court of Additional Judicial Magistrate of First Class, Armoor, for sending the same to Forensic Science Laboratory for comparison of the disputed signature.

2. Heard the learned counsel for the revision petitioner-3rd defendant and perused the material on record.

3. The revision petitioner wanted to call for the following documents from the Additional Judicial Magistrate of First Class, Armoor, to send the same to Forensic Science Laboratory to compare the signature of husband of the 1st plaintiff-respondent No.1 herein in the said documents with Ex.B.16.

(1) F.I.R. in Crime No.8 of 2004 of PS, Nandipet.

(2) Section 161 Cr.P.C. statement of one Krishna Mohan in F.I.R. No.8 of 2004 of PS Nandipet.

(3) Section 161 Cr.P.C. statement of one N.Subba Rao in F.I.R. No.8 of 2004 of PS Nandipet.

(4) Section 161 Cr.P.C. statement of one Ranga Rao in F.I.R. No.8 of 2004 of PS Nandipet.

(5) F.I.R. in Crime No.11 of 2004 of PS Nandipet.

(6) Section 161 Cr.P.C. statement of one G.Venkateshwar in F.I.R. No.11 of 2004 of PS Nandipet.

(7) Section 161 Cr.P.C. statement of one Bandari Tirupal in F.I.R. No.11 of 2004 of PS Nandipet.

(8) Section 161 Cr.P.C. statement of one Bandari Laxmaiah in F.I.R. No.11 of 2004 of PS Nandipet.

(9) Section 161 Cr.P.C. statement of one B.Sayareddy in F.I.R. No.11 of 2004 of PS Nandipet.

(10) Section 161 Cr.P.C. statement of one Bala Kondaiah in F.I.R. No.11 of 2004 of PS Nandipet.

(11) Scene of offence panchanama along with sketch map in F.I.R. No.11 of 2004 of PS Nandipet.

4. It is appropriate to state that the suit was filed in the year 2011. The revision petitioner-3rd defendant is not ignorant of the questioned handwriting of the deceased-Sunnam Pedda Bhumaiah. After closure of the evidence, the subject application was filed before the Court below to call for the aforementioned documents from the Court of Additional Judicial Magistrate of First Class, Armour. It is also brought to the notice of the Court that the arguments were heard and judgment was reserved in the subject suit. The revision petitioner-3rd defendant has not taken steps at earliest point of time. The application was filed only after closure of the evidence on behalf of the defendants. It is a belated one. It establishes that the impugned application was filed before the Court to protract the litigation. The Court below while dealing with the subject matter, had elaborately discussed and passed the impugned order. The impugned order do not suffer from any infirmity. The revision has no merit and it is liable to be dismissed.

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

Dr. SHAMEEM AKTHER, J

Date: 27.07.2018
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