

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.1787 of 2018

ORDER: (ORAL)

Vide the present petition, petitioner has challenged order dated 15.12.2017 passed in I.A.No.727 of 2017 in O.S.No.376 of 2012 on the file of the Addl. Senior Civil Judge, Narasaraopet, whereby the petition filed by the respondent/plaintiff under Order XXVI Rule 10A and Section 151 of CPC has been allowed.

Learned counsel appearing on behalf of the petitioner submits that respondent/plaintiff put a burden on the expert to compare the thumb impression of the petitioner on registered sale deed dated 27.09.2005, without proving the same by way of independent evidence. He further submits that, in the written statement filed in the suit, it is specifically stated that petitioner has not executed sale deed dated 27.09.2005.

As per the averments made in the written statement filed in the suit, petitioner has stated that he has not executed sale deed dated 27.09.2005. In the circumstances, the trial Court directed the petitioner to appear before it for giving his specimen thumb impressions, by recording a finding that as the petitioner denied the execution of the said sale deed, burden lies on him to establish the same.

In that view of the matter, I find no illegality or perversity in the order dated 15.12.2017 passed by the trial Court.

Civil revision petition is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous applications, if any pending, stand closed.

SURESH KUMAR KAIT, J

April 6, 2018
MRR