

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.3290 of 2018

Date: 29.06.2018

Between:

M/s.Vinayaka Estates
Visakhapatnam

.. Petitioner

and

Mummana Maheswara Rao

.. Respondent

Counsel for the Petitioner : Ms.Nimmagadda Revathi

The Court made the following:



Order:

This Civil Revision Petition arises out of Order, dated 16-02-2018, in IA.No.827 of 2017 in OS.No.360 of 2003 on the file of the I Additional Senior Civil Judge, Visakhapatnam.

I have heard Smt.Nimmagadda Revathi, learned Counsel for the petitioner, and perused the record.

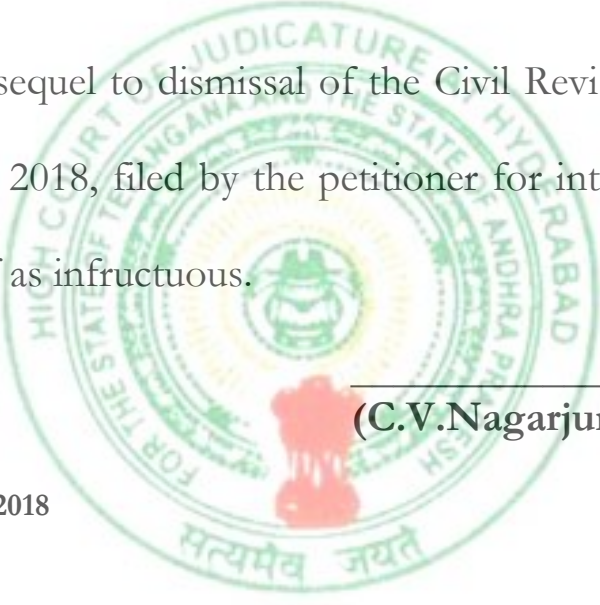
Petitioner- firm has filed the aforementioned suit for specific performance of Ex.A.1- agreement of sale, dated 12.10.2001, or in the alternative for refund of the consideration. Though the petitioner has not pleaded in the plaint about Exs.A.2 to A.9- purported receipts evidencing payment of money by it, for the first time, in its evidence, it has introduced the same, which was disputed by the respondent. It is, at this stage, that the petitioner filed the aforementioned IA for sending Exs.A.2 to A.9 to the hand writing expert for his opinion.

In my opinion, the attempt of the petitioner to get Exs.A.2 to A.9 sent to a hand writing expert is a futile exercise, for, any amount of evidence in the absence of

pleading will not help the petitioner to get the relief. Admittedly, the petitioner has not pleaded about Exs.A.2 to A.9- receipts in the plaint. Therefore, no purpose would be served by sending the said documents to hand writing expert. Considering the fact that the suit is of the year 2003, any further delay in its disposal cannot be brooked.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, IA.No.1 of 2018, filed by the petitioner for interim relief, is disposed of as infructuous.



(C.V.Nagarjuna Reddy, J)

Dt: 29th June, 2018
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