

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.4507 of 2018

ORDER:

The petitioner is the defendant in OS.No.125 of 2014 on the file of learned VII Additional District Judge, Gudur. Pending suit an application in IA.No.194 of 2016 filed by the defendant to send Ex.A1 for expert opinion to compare with Q1-amount in figures and Q2-enclosed date and D-pronote writings respectively, opinion of the expert is given undisputedly that was received and there are no objections including by the petitioner/defendant that opinion on four counts answered positively in 3 counts and as to the age of the ink for Q1 and Q2 writings and D writings opinion cannot be given. The expert is already examined and cross-examined before the trial Court undisputedly.

It is later the petitioner/defendant filed IA.No.88 of 2018 before the learned trial Judge to send the documents for 2nd opinion to another expert in view of no opinion could be stated given on the age of the ink. It is not even mentioned in the application as to who is the expert capable of determining the age of the ink to which it is to be sent and as to why it was not asked earlier and it was dismissed by detailed order dated 16.07.2018 by the learned trial Judge. It is impugning the same, the present revision is maintained.

Heard learned counsel for the petitioner/defendant and the learned counsel for the respondent/plaintiff and perused the grounds of revision and the impugned order.

The only contention raised in the grounds of revision is that the Court failed to see the expert did not follow the procedure and failed to give opinion on Ex.A1. It is not correct for what is referred supra as opinion positively given either in favour or against on 3 counts and opinion could not be given on the age of the ink. There is lot of controversy on the age of the ink and its determination from expertise available there are no experts thereby.

Once such is the case, that too without stating who is the expert available when the application filed was rightly dismissed by the trial Court there is nothing to interfere.

Accordingly and in the result, this Civil Revision Petition is dismissed.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 31.08.2018
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