

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.R.P.No.4763 of 2018

Date : 24-08-2018

Between :

Varanasi Arun Kumar and others .. Petitioners

And

Mrs. Varanasi Madhuri .. Respondent

Counsel for petitioners : Sri Ravi Cheemalapati
Counsel for respondents : --



The Court made the following :

ORDER:

This Civil Revision Petition arises out of order dated 20-3-2018 in I.A.No.248 of 2018 in O.S.No.313 of 2010 on the file of the learned VI Additional District Judge, Visakhapatnam.

The petitioners have filed O.S.No.313 of 2010 seeking recovery of damages for the alleged defamation. In support of their plea, the petitioners have produced a list of e-mails marked as Exs.A-1 and A-2 allegedly emanating from the respondent. The respondent has therefore filed I.A.No.248/2018 under Order XVI Rules 1 and 2 CPC to summon one B. Ravi Kiran Singh, an I.T. Consultant, for giving evidence on the genuineness or otherwise of the e-mails. The petitioners opposed the said application on the ground that instead of examining the Internet Provider, the respondent, with a mala fide intention, chose an unauthorised person to depose regarding the e-mails sent through the Internet Provider. The Court below allowed the said application on the ground that except filing the counter affidavit by taking the aforementioned plea, the petitioners have not specified any reason as to why B. Ravi Kumar Singh shall not be permitted to be examined.

In my opinion, when the petitioners sought to rely upon certain documents in the nature of e-mails, the respondent is entitled to an

opportunity to prove that such e-mails are not genuine. It is not open to the petitioners to request the Court to deny the respondent such a right on the purported ground that the examination of the Internet Provider is essential. It is for the respondent to choose any person as an expert and if he does not possess such expertise, that will be to her own detriment and no prejudice will be caused to the petitioners. In this view of the matter, I do not find any reason to interfere with the order of the lower Court.

The Civil Revision Petition is accordingly dismissed.

As a sequel to the dismissal of the Civil Revision Petition, I.A.No.1 of 2018 filed for interim relief is dismissed as infructuous.

Date : 24-08-2018

AM

Justice C.V. Nagarjuna Reddy

