

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.4969 OF 2018

ORDER:

Heard learned counsel for the parties.

First defendant in O.S.No.27 of 2012 in the Court of the Senior Civil Judge, Sricilla is the revision petitioner. The suit is filed for partition. The revision petitioner filed I.A.No.05 of 2017 under Section 45 of the Indian Evidence Act to send mutation copies of statements of Tahsildar, Vemulawada dated 07.04.2011 (signed by 1st respondent/plaintiff) and also original registered gift deed dated 25.11.2011 (executed by 1st respondent/ plaintiff in favour of 1st defendant) to the Forensic Science Laboratory for comparison of signatures of P.W.1 on both documents by an expert.

It is stated in the affidavit filed in support of I.A.No.05 of 2017 that at the time of cross examination by counsel for defendants, P.W.1 denied his signature on the mutation copy statements dated 07.04.2011 pertaining to Sy.No.93 an extent of Acs. 3-17 Gts filed by Tahsildar, Vemulawada. It is further stated that the original mutation copies of statements dated 07.04.2011 shall have to be sent to the expert for comparison with the signature of P.W.1 on Ex.B-21 (registered gift deed executed by P.W.1 in favour of 1st defendant).

The learned trial Judge through the order impugned in the revision rejected the prayer of revision petitioner on the ground that as per Ex.A-119 (passport), P.W.1 was not in India as on 07.04.2011. Hence, the revision.

I have perused the record. The trial Court has rightly dismissed the application filed by the petitioner. This Court is in agreement with the reasons recorded by the trial Court. No ground warranting interference under Article 227 of the Constitution of India is made out.

Revision fails and is, accordingly, dismissed. The trial Court considers disposing of the suit within three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

01st October, 2018

Lrkm



S.V.BHATT, J