

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.988 OF 2013

ORDER:

Heard Mr.G.Pedda Babu for petitioner. No representation for respondents in spite of service of notice.

The plaintiff in O.S.No.22 of 2007 is the revision petitioner. In I.A.No.741 of 2010, a few documents were sent to the handwriting expert for opinion. After the receipt of opinion, the revision petitioner filed another interlocutory application to send the very same documents for opinion of the Government expert. The application, it is stated by Mr.Pedda Babu, was allowed and the documents were sent to the Director, Finger Print Bureau, C.I.D., D.G.P. Office, Hyderabad. The office of Director through letter dated 29.03.2011 returned the documents and the communication reads thus:

“With reference to the letter cited, it is to inform that the Finger Print Bureau undertakes the work pertaining to the examination and comparison of Finger Prints and furnish Expert's opinion on Finger Prints only, but not on hand writings, signatures or age of the document. Therefore, the under mentioned documents received through the letter cited are returned herewith duly sealed.

A sample seal affixed to this letter.

DOCUMENTS

1. Agreement of sale deed dated 6.3.2006 (Ex.A1)
(3 sheets)
2. certified copy of agreement of sale deed dt.24.09.2004
(Ex.B1) (S1 to S10)
3. Vakalath in Pauper O.P.167/2005 (S11)
4. Counter in P.O.P. 167/2005 (S12 and S13)
5. Specimen signatures of Smt.P.Adilakshmi obtained in the open court on 17.12.2009 (2 sheets) (S14 and S15)
6. Challan bearing No.37467, dt.23.09.2010 for Rs.1,500/-.

Further it is to inform that, the Director, Forensic Science Laboratory, Red Hills, Opp: Nilofer Hospital, Hyderabad, Andhra Pradesh undertakes the work pertaining to the handwriting/signatures.

Receipt of the above documents may please be acknowledged”.

Thereafter, the present application is filed by revision petitioner for the following relief:

“For the reasons mentioned in the accompanying affidavit, the petitioner-plaintiff prays that the Hon’ble Court may be pleased to send these two documents viz., (1) 26th May, 2008 a contract of sale cum G.P.A executed and registered by R-1 in favour of Munaga Srinivasa Rao son of Venkata Subba Rao, as document No.2239/2008 in the Office of Sub Registrar, Pedakakani and (2) 11th January, 2008 a contract of sale cum G.P.A executed and registered by R-1 and another in favour of Polasu Ajay Kumar son Subba Rao containing the signatures of the 1st respondent also along with other documents mentioned in I.A.No.741/2010 to the Handwriting Expert by name ‘Pt.Ashok Kashyap, Handwriting and Finger Print Expert’ Off: Above C.Lal Chemist Nicholson Road, Opp: Ritz Cinema, Kashmere Gate, Delhi, Pin 110006 and pass....”

The learned trial Judge through the order under revision rejected the prayer. Hence, the revision.

Mr.Pedda Babu draws the attention of the Court to the point framed for consideration by the trial Court viz., whether the two documents dated 26.05.2008 and 11.01.2008 can be sent to private handwriting expert Ashok Kashyap, New Delhi as prayed for. According to him, the petitioner prayed for sending the documents, which were sent to the Director, Finger Print Bureau, C.I.D., D.G.P. Office, Hyderabad along with two other documents referred in the prayer of I.A.No.416 of 2011. He submits that the trial Court

committed illegality by closing all the options available to the plaintiff notwithstanding the fact that on earlier occasion at the request of plaintiff, the trial Court was convinced to send the documents for Government expert's opinion. The above circumstances are referred to in the background of the reasons recorded in the order under revision.

Prima facie, it appears that in appreciating the scope of the prayer, an error has crept in. Consequently, the reasons recorded are also not applicable to the background in which the present prayer is made. The order under revision is set aside and the matter is remitted to the trial Court for consideration of prayer in I.A.No.416 of 2012 afresh within four weeks from the date of receipt of a copy of this order. The plaintiff is also given liberty to file a memo before the trial Court requesting for sending the documents to the Director, Forensic Science Laboratory, Red Hills, Hyderabad and the memo is taken note of while disposing of the application. The learned trial Judge considers disposing of the suit expeditiously preferably within four months from the date of receipt of a copy of this order.

The revision is, accordingly, ordered. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

14th September, 2018

Note:

CC in (3) days.

Lrkm