

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.6820 of 2017

O R D E R :

Heard both sides.

This revision is filed against the order dated 30-10-2017 passed in I.A.No.1123 of 2017 in O.S.No.29 of 2010, wherein and whereby the application filed by the petitioners/defendants under Section 45 of Evidence Act, for sending Ex.B.2 to handwriting expert for the purpose of comparison of signatures of respondent/plaintiff as well as her husband PW.1 and their son K.V.Giridhar with their admitted signatures for opinion, was dismissed by the Court below.

Learned counsel for the petitioners submit that the petitioners are relying on Ex.B.3 to show that they have put into possession, as the respondent/plaintiff has denied signatures on the same, as such the petitioner sought for opinion of the expert and filed the present application. But the Court below without application of mind dismissed the same.

Heard learned counsel for the respondent, who submits that in a suit filed for injunction sending a document to an handwriting expert does not arise.

In this case, a perusal of the impugned order goes to show that the order is passed without any application of mind

and it is also not clear on what ground, the learned Magistrate dismissed the application.

In that view of the matter, the impugned order is set aside. The matter is remanded to the Court below and the Court below is directed to pass orders afresh after application of mind and after giving opportunity to both sides within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the revision petition is allowed to the extent indicated above. As a sequel thereto, miscellaneous applications, if any, pending in this revision, shall stand closed.

06-04-2018
Nvl

A.RAJASHEKER REDDY, J

