

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.Nos.862 and 876 of 2019

COMMON ORDER:

These two Revisions arise out of the same suit and between the same parties and so they are being disposed of by this common order.

2. Petitioner had filed O.S.No.232 of 2009 for partition of the suit schedule properties against the respondent, who is his sister.

3. Certain documents were sought to be relied upon by the respondent, which the petitioner disputed and the matter was referred to the A.P. Forensic Sciences Laboratories, Hyderabad(A.P.F.S.L.) for opinion about the signatures there on vide order passed in I.A.No.1492 of 2016.

4. Smt P.Rajani, Assistant Director of the A.P.F.S.L., Hyderabad, examined the said documents and submitted a Report dt.07.11.2017.

5. Alleging that the said report is incomplete, petitioner filed I.A.No.15 of 2018 under Section 45 of the Evidence Act, 1872, for reference to another Hand Writing Expert for his opinion for proper adjudication of the suit claim.

6. The said I.A., was dismissed on 02.04.2018 observing that the petitioner is at liberty to cross-examine the expert on all aspects.

7. Challenging the order dt.02.04.2018 in I.A.No.15 of 2018, petitioner filed CRP.No.3330 of 2018 before this Court.

8. In the meantime, the respondent reported no further evidence and her evidence was closed.

9. Petitioner then filed I.A.No.1388 of 2019 to reopen the evidence in the suit for the purpose of summoning and cross-examining the Assistant Director of A.P.F.S.L., Hyderabad, who had filed the Report and I.A.No.1204 of 2019 to summon the said Assistant Director for examining her before the Court.

10. Both these applications were dismissed by the court below on 19.03.2018. It observed that summoning the said Assistant Director would not serve any purpose since objections to the Report were already filed.

11. Assailing the same, these two Revisions were filed.

12. Today, CRP.No.3330 of 2018 was withdrawn by the counsel for petitioner.

13. However, since the petitioner wishes to cross-examine the Assistant Director of A.P.F.S.L., Hyderabad i.e., Smt P.Rajani, who had filed Report dt.07.11.2017, I am of the opinion that petitioner is entitled to summon her and cross-examine her, and such opportunity cannot be denied to the petitioner.

14. Accordingly, these two Civil Revision Petitions are allowed; orders dt.19.03.2019 in I.A.No.1388 of 2019 and I.A.No.1204 of 2019 are set aside; and the said I.A.s are allowed. No order as to costs.

15. Consequently, miscellaneous petitions pending if any, in both the Revisions, shall stand closed.

M.S. RAMACHANDRA RAO, J

08th April, 2019.

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