

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1442 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff No.1, challenging the order dated 22.03.2019 passed in I.A.No.772 of 2018 in O.S.No.59 of 2010 by the Senior Civil Judge, at Suryapet.

2) Heard Sri Mummaneni Srinivasa Rao, learned counsel for the petitioner and perused the record.

3) Learned counsel for the revision petitioner would vehemently contend that the subject family settlement deed dated 04.01.2008 is a forged document. It has seen light of the day, only when it was filed before the Court below. There is no mention of this document in the written statement filed by the defendants. It is also contended that the petitioner/plaintiff is contemplating to send the said document to the handwriting expert for examination and report and ultimately prayed to set aside the impugned order dated 22.03.2019.

4) It is pertinent to state that when a document is found not properly stamped, it is required to be sent for impounding. Sending of the subject family settlement deed dated 04.01.2008 for impounding as ordered by the Court below to the District Registrar, Nalgonda, would not amount to admission of the document by the other side. If the revision petitioner intends to send the said document for handwriting expert for examination and report, he is entitled to do so in accordance with the procedure established under

law. The validity, genuineness and binding nature of the document would only be determined after due trial of the case.

5) Under these circumstances, the direction of the Court below to send the subject family settlement deed dated 04.01.2008 to the District Registrar, Nalgonda, for impounding cannot be faltered. There is no infirmity or illegality in the impugned order.

6) With the above observations, this Civil Revision Petition is disposed of at the admission stage. No order as to costs.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

Date: 30.08.2019
scs

Dr. JUSTICE SHAMEEM AKTHER

