

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO.7437 OF 2018

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt. 24.09.2018 in I.A.No.1007 of 2014 in O.S.No.52 of 2013 on the file of the I Additional District Judge, Khammam, refusing to send a Will Deed dt. 10.02.1996 for comparison with admitted signatures of the deceased, D. Kanthaiah, to a handwriting expert to trace out the age of ink and the signatures.

The Court below dismissed the said application stating that the contemporaneous documents of the year 1996 were not filed.

Counsel for the petitioner contends that prejudice would be caused to the petitioner if the expert's evidence is not procured on the point.

The prayer in the application filed by the petitioner is to determine the age of the ink and the signatures on the Will Deed dt. 10.02.1996 by an expert. When the ink was manufactured and when it is used is very difficult to predict because there may be long gap between the date on which the ink was manufactured and the date on which writing was made using the said ink. It is not the contention of the petitioner that the expert evidence is necessary to prove that his signature on the Will is a forgery.

Though there is such a submission in the body of the affidavit in I.A.No.1007 of 2014, but the prayer is otherwise.

In the circumstances, I do not see any error in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

Revision fails and is dismissed.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand dismissed.

(M.S.RAMACHANDRA RAO, J)

9th August 2019
RRB

