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THE HON'BLE SRI JUSTICE B.PRAKASH RAO

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CIVIL REVISION PETITION NO.1217 OF 2010

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DT.30.04.2010

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Between:

Gurram Sivannarayana and two others.

.....Petitioners

V s.

Gurram Sambrajyam and two others.

.....Respondents

ORDER:

This revision petition is filed against the order, dated 22.01.2010 passed in I.A.No.2521 of 2009 in O.S.No.647 of 2005 on the file of the Principal Junior Civil Judge, Guntur.

The petitioners filed the said application under Section 45 of Indian Evidence Act (for short 'the Act'), to send the documents to the expert's opinion. The court below dismissed the application on the ground that when direct evidence of the witnesses is available, getting expert's opinion in respect of thumb impressions and signatures of the respondents is not just and proper and the application is premature as no evidence is adduced on behalf of the petitioners/defendants. Hence, the present revision.

Heard the learned counsel for the petitioners.

Admittedly, the trial in the suit has not yet been commenced. The petitioners have to establish *prima facie* case as set forth in their pleadings, without which, they cannot make any exercise under Section 45 of the Act. Hence, I am of the view that the trial court has rightly held that the application filed by the petitioners is pre-matured. I see no merit in the revision petition.

The revision petition is, therefore, dismissed. No costs.

B.PRAKASH RAO J.,

Dt.30.04.2010

tjs