

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2015

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

C.R.P.(PD).No.1384 of 2015

S.Thiribieus Raj	..	Petitioner / Tenant
<i>Versus</i>		
1.G.Ramesh		
2.G.Raghu	..	Respondents / Landlord

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in M.P.S.R.No.22895 of 2014 in R.C.O.P.No.326 of 2012 on the file of X Small Causes Court, Chennai dated 11.12.2014 and allow this petition.

For Petitioner	:	Mr.R.Asokan
For Respondents	:	Mr.R.Subramanian

ORDER

Civil Revision Petition is filed against the order dated 11.12.2014 made in M.P.S.R.No.22895 of 2014 in R.C.O.P.No.326 of 2012 on the file of X Small Causes Court, Chennai.

2.The revision petitioner/ tenant filed a petition in M.P.S.R.No.22895 of 2014 in R.C.O.P.No.326 of 2012 under Section 45 of the Evidence Act to compare the signature of one K.Vi.Ravichandran, but now he has restricted his prayer to send the document for Forensic Department for comparison of the

lease deed dated 02.08.2004 with the admitted signature in the sale deed dated 27.08.2004.

3.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

4.Admittedly, the revision petitioner / tenant in his counter stated that he is disputing lease agreement between both parties. It is admitted by both sides that the documents were filed in R.C.O.P.No.326 of 2012. Even though the cross-examination has been completed on 26.06.2013, the revision petitioner / tenant filed petition in M.P.S.R.No.22895 of 2014 in R.C.O.P.No.326 of 2012 only on 28.11.2014.

5.Under the aforestated circumstances of the case, to do substantial justice to both the parties, it is a fit case for sending the original lease agreement dated 02.08.2004 with the admitted signature in the sale deed dated 27.08.2004 to the Forensic Department for comparison. The respondents/landlord are directed to produce the original sale deed before the Trial Court, in turn, the Trial court is directed to send the original lease deed dated 02.08.2004 and also the original sale deed dated 27.08.2004 to be produced by the respondents / landlord to the Forensic Department for

comparison by the handwriting expert. The Trial Court is directed to appoint an Advocate Commissioner and fix fees after the revision petitioner / tenant has filed the application for appointment of Advocate Commissioner.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

16.12.2015

Index : Yes / No
Internet : Yes / No

sri

To

X Small Causes Court, Chennai.

R.MALA,J.

sri

C.R.P.(PD).No.1384 of 2015

16.12.2015

2/2