

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P (PD) No.3048 of 2015

and

M.P.No.1 of 2015

P.Selvakumar

... Petitioner

Vs.

G.Kanagaraj

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India parying to set aside the fair and final order to I.A.No.627/2014 in O.S.No.150/2012 dated 30.01.2015 on the file of IV Additional District and Sessions Judge of Coimbatore.

For Petitioner : Mr.S.Ramesh Kumar

ORDER

The revision petitioner is the second defendant in O.S.No.150 of 2012 on the file of IV Additional District and Sessions Judge, Coimbatore. It is a suit for specific performance.

2. The revision petitioner has filed I.A.No.627 of 2014 in O.S.No.150 of 2012 seeking to permit him to call for Mr.S.Ravikumar, the Stamp Vendor, Licence No.18323/B1/95, sub Registrar Office, Gandhipuram, Coimbatore to give evidence in respect of a Non-Judicial Stamp paper bearing No.8322 dated 01.12.2011 sold by him to the respondent/plaintiff.

3. The trial Court passed an order dated 30.01.2015 rejecting I.A.No.627 of 2014 in O.S.No.150 of 2012. This Civil Revision Petition is filed against the aforesaid order.

4. According to the learned counsel for the petitioner, the revision petitioner obtained an information under the Right to Information Act as to the sale of the Stamp paper bearing No.8322 dated 01.12.2011. As per the information received, the stamp paper was not sold to the plaintiff. Hence, it is necessary to examine the stamp vendor.

5. I am not impressed with the submissions made by the learned counsel appearing for the petitioner.

6. The revision petitioner admitted the signature in the Stamp Paper. In fact the trial Court has noted that DW1 stated in the chief examination that the plaintiff compelled to sign the unfilled papers as well as one stamp

paper and hence, they signed the papers.

In the circumstances, the trial Court felt that there is no use in summoning the stamp vendor. It is for them to prove that the signatures were obtained fraudulently and therefore, there is no need to examine the Stamp Vendor. That was the crux of the reasonings of the trial Court. I do not find any infirmity in the same. Hence, this Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.09.2015

Index : Yes

Internet: Yes

vsm

To

The IV Additional District and Sessions Court, Coimbatore.

D.HARIPARANTHAMAN,J.

vsm

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