

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.556 OF 2015
AND M.P.NO.1 OF 2015

1.Vasudeva Naidu
2.V.Mohan
3.V.Ramesh

...
Vs.

Petitioners

1.Chandran
2.Kuppammal
3.Gowri
4.Damodaran
5.Usharani
6.Arumugam

...

Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order of dismissal dated 17.03.2014 made in I.A.No.67 of 2014 in O.S.No.6 of 2012 on the file of the Subordinate Judge, Tiruttani.

For Petitioners : Mr.R.Karunakaran

ORDER

This Civil Revision Petition is directed against the order dated 17.03.2014 passed in I.A.No.67 of 2014 in O.S.No.6 of 2012 by the learned Subordinate Judge, Tiruttani.

2.The petitioners filed I.A.No.67 of 2014 in O.S.No.6 of 2012 for direction to send the sale agreement dated 18.04.1993 to Forensic Laboratory, Chennai to get opinion from the handwriting expert. The application was resisted by the respondents by filing counter affidavit. The Trial Court dismissed the application on the ground that the petitioners have not furnished the documents containing the admitted signature to get opinion from the handwriting expert. Challenging the same, the present Civil Revision Petition is filed.

3.Mr.R.Karunagaran, learned counsel for the petitioners submitted that the petitioners are having documents containing the admitted signature of the first petitioner and they may be given opportunity to approach the Trial Court to send the documents for getting opinion of the handwriting expert.

4.It is seen that the suit was filed for specific performance of the sale agreement dated 18.04.1993. The application was dismissed on the only ground that the petitioners have not produced the documents containing the admitted signature of the first petitioner.

5. In view of the submissions of the learned counsel for the petitioners, the order impugned in this Civil Revision Petition is set aside, with liberty to the petitioners to approach the Trial Court. If any such application is filed by the petitioners, the Trial Court shall consider and pass orders on the same, on merits and in accordance with law.

6. This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

26.02.2015

Index : Yes/No
Internet : Yes/No
sms

To

The Subordinate Judge
Tiruttani.

K.KALYANASUNDARAM, J.

sms

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