

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.12.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE S.M.SUBRAMANIAM**

C.R.P.(P.D.) No.373 of 2014 and
M.P.No.1 of 2014

A.Nallamuthu

...Petitioner

versus

R.Chandra

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decreetal Order dated 20.11.2013 made in I.A.No.875 of 2013 in O.S.No.500 of 2008 on the file of the learned Subordinate Judge, Tiruchengode.

For Petitioner : Mr.N.Manokaran

For Respondent : Mrs.Hemalatha

ORDER

The present revision petition is filed challenging the order passed in I.A.No.875/2013 in O.S.No.500/2008 dated 20.11.2013.

2. The petitioner/plaintiff filed a suit for specific performance in O.S.No.500/2008 and the written statement was also filed in the suit and the trial commenced already.

3. The plaintiff filed a petition in I.A.No.875/2013 with a prayer to send the suit sale agreement to the Forensic Laboratory, Hyderabad, for comparison of the thumb impression with the admitted thumb impression and signatures of the respondent along with the xerox copy of the sale agreement already taken, to give the expert's opinion.

4. The petition was dismissed by the trial court on the ground that the suit was filed in the year 2008 itself for the relief of specific performance and the case was posted for cross-examination of P.W.1 after several hearings. When the suit was posted for trial on 08.09.2010 itself, it appears that the respondent/defendant filed a petition in I.A.No.676/2010 to send the suit sale agreement for comparison of thumb impression and the same was allowed and as per the order in I.A.No.622/2011, the specimen L.T.I. of the respondent obtained under the supervision of the court and the admitted L.T.I. and

the suit sale agreement were sent to the expert for opinion, and the expert opinion also was received by the trial court.

5. When such being the findings of the trial court, the present revision petition by the plaintiff is unnecessary and it is filed with an idea to confuse the issue in the suit. When the court ordered for an expert opinion and when the LTI of the respondent was obtained under the supervision of the court itself and sent the same for expert opinion, there is no further petition to be entertained and accordingly, the petition filed by the petitioner/plaintiff before the trial court itself is unnecessary and filed with an idea to protract the issue. Therefore, the findings of the trial Judge is correct and there is no infirmity in the order passed by the trial court.

6. Accordingly, the present revision petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.12.2016

Index:Yes/No
tsi

**S.M.SUBRAMANIAM, J.
tsi**

To

The Subordinate Judge, Tiruchengode.

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