

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.01.2016

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.4527 of 2015
and M.P.No.1 of 2015

R.Senguttuvan

.. Petitioner/Defendant

Vs.

K.Padmanabhan

.. Respondent/Plaintiff

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.03.2015 passed in I.A.No.63 of 2012 in O.S.No.22 of 2011 on the file of the District Court, Nagapattinam.

For Petitioners : Ms.V.Diviabharathi

ORDER

Civil Revision Petition is filed against the fair and decreetal order dated 02.03.2015 passed in I.A.No.63 of 2012 in O.S.No.22 of 2011 on the file of the District Court, Nagapattinam.

2.The respondent herein as a plaintiff filed a suit in O.S.No.22 of 2011 for specific performance on the basis of the sale agreement dated 23.03.2010. The defendant/revision petitioner herein has filed a detailed written statement raising a plea that the signature in the sale agreement is forged one. During pendency of the suit, the defendant/revision petitioner has filed an application in I.A.No.63 of 2012 under Order 26 Rule 9 C.P.C. for appointment of Advocate Commissioner to send the document to the Forensic Science Department for comparison. The respondent/plaintiff has also no objection for appointment of Advocate Commissioner. The trial Court, after hearing both sides, dismissed the application, against which, the present revision has been preferred by the revision petitioner/defendant.

3.At the time of admission, argument of the learned counsel for the revision petitioner is heard in length.

4.On perusal of the typed set of papers, it reveals that even though the respondent has no objection for appointment of Advocate Commissioner, as the defendant/revision petitioner is not able to produce the document, which contains his admitted

signature during the contemporary period, the trial Court dismissed the application. In my view, though sufficient time has been given to the revision petitioner to file the document to be sent for Forensic Science Department, which contains admitted signature of the defendant during the contemporary period, she was unable to produce the document. Under such circumstances, no purpose will be served for appointment of Advocate Commissioner, without producing the document contains admitted signature of the defendant during the contemporary period. Therefore, the order passed by the trial Court does not suffer any infirmity or irregularity and it is hereby confirmed. The revision petition deserves to be dismissed and it is hereby dismissed.

5. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.01.2016

Index: Yes/No

kj

R.MALA,J.

Kj

To

The District Court, Nagapattinam.

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