

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2774 of 2016 and
CMP.No.14187 of 2016

R.Sundararajan

...Petitioner

versus

1.A.Abdul Rasheeth

2.A.Mohammed Rafiq

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 28.04.2016 passed by the learned III Additional District Judge of Vellore at Tirupattur in I.A.No.49 of 2015 in O.S.No.20 of 2015.

For Petitioner : Mr.K.Ramanraj

For Respondents : Mr.M.Sathish Kumar

ORDER

The petitioner filed a suit for specific performance in O.S.No.20 of 2015 before the District Court at Vellore at Tirupattur. The respondents on appearance denied the execution of the sale agreement.

2. The respondents filed an application in I.A.No.49 of 2015 for sending the document for expert opinion. The respondents alleged that they have not signed the document in question and as such, a report should be called for.

3. The learned Trial Judge allowed the application by order dated 28.04.2016 notwithstanding the objection raised by the petitioner that the document can be sent for expert opinion only after the completion of evidence. The order dated 28.04.2016 is the subject matter of this civil revision petition.

4. The learned counsel for the petitioner contended that the petitioner has no objection for sending the document for expert opinion after conclusion of evidence. According to the learned counsel, only in case the petitioner failed to take action to send the document for expert opinion, a cause of action would accrue to the respondents to file the application.

5. The learned counsel for the respondents submitted that pursuant to the order passed by the learned trial Judge, document was taken to the Forensic Expert by the Advocate Commissioner and as such, nothing survives for adjudication.

6. In view of the submission made by the learned counsel for the respondents, the learned counsel for the petitioner submitted that the petitioner would be satisfied in case a direction is given to the learned Judge to keep the report in a sealed cover on condition that it would be opened only after completion of evidence. The learned counsel for the respondents has also agreed for taking such a course in the interest of both the parties.

7. The learned Trial Judge is directed to send a communication to the Forensic Lab, calling upon them to produce the report in a sealed cover. On receiving such report, the same shall be forwarded in a sealed cover. The cover shall be opened only after the completion of evidence. In case, the parties wanted examination of the expert, necessarily, reasonable opportunity should be given for such examination.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2016

Index:Yes/No

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To
The III Additional District Judge of Vellore at Tirupattur

K.K.SASIDHARAN,J.

(svki)

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