

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.10.2016**

CORAM:

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

C.R.P.(P.D.) No.2922 of 2016 and
C.M.P.No.14906 of 2016

C.Nagulappan

...Petitioner

versus

P.L.Kalyani

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order passed in I.A.No.161 of 2016 in O.S.No.71 of 2007 dated 21.04.2016 by the learned III Additional District Judge, Salem.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.D.Shivakumaran

ORDER

The respondent filed an application in I.A.No.161 of 2016 in O.S.No.71 of 2007 to send certain documents for Expert Opinion with reference to Ex.B.8. The application was opposed by the petitioner primarily on the ground that unmarked documents cannot be sent for Expert Opinion. The learned Trial Judge allowed the application. Feeling aggrieved, the unsuccessful respondent in I.A.No.161 of 2016 is before

this Court.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The order passed by the Trial Court indicates that certain unmarked documents were referred to Expert Opinion with reference to Ex.B8. No reliance was placed by the respondent on those documents. The question of sending the documents would arise only in case reliance is placed by a party on those documents and the execution was denied by the opposite party. In the subject case, the respondent is yet to mark the documents produced before the Trial Court. There is no question of sending those documents for Expert Opinion even before marking.

4. The learned counsel for the respondent submitted that the respondent would mark the documents in evidence.

5. In view of the submission made by the learned counsel for the respondent, I am of the view that the impugned order shall be kept in abeyance till the documents are marked by the respondent.

6. The learned Trial Judge is directed to keep the order dated 21 April 2016 in I.A.No.161 of 2016 in abeyance till the documents are marked by the respondent. In case, the documents are marked by the respondent, the same shall be sent to Expert Opinion along with Ex.B8 pursuant to the direction in I.A.No.161 of 2016.

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

24.10.2016

Index:Yes/No
svki

To

The III Additional District Court, Salem

K.K.SASIDHARAN, J.

(svki)

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