

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.11.2016**

CORAM:

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

C.R.P.(P.D.) No.2972 of 2016

Ayyannanan @ Annadurai : Petitioner
versus

1.Kannamal

2.Mathiyazhagan : Respondents

PRAYER: Revision filed against the fair and decretal order dated 21.3.2016, in I.A.No.1620 of 2015 in O.S.No.93 of 1998 on the file of the District Munsif Court, Sankari.

For petitioner :: Mr.N.Manokaran

For respondents :: Mr.P.Valliappan

ORDER

The petitioner filed a suit against the respondents on the strength of two sale agreements. The respondents disputed the execution of the documents.

2. The petitioner long after the completion of trial, filed an application in I.A.No.1620 of 2015 to send the documents for expert opinion under

Section 45 of the Evidence Act. The application was opposed by the respondents. The learned Trial Judge dismissed the application. Feeling aggrieved, the petitioner has come up with this civil revision petition.

3. The learned counsel for the petitioner contended that the respondents denied execution of the sale agreements and as such, the petitioner filed the application for expert opinion.

4. The learned counsel for the respondents justified the impugned order.

5. The suit was filed on 22 December 1997. The respondents filed written statement on 7 July 1998 denying execution of the documents. It is a matter of record that only after the conclusion of trial and posting the matter for arguments, the petitioner filed an application in I.A.No.1620 of 2015. It is also an admitted position that by the time the application was filed for comparison of the signature, the first respondent herein, who was shown as P.W.2 in the suit, died.

6. The application was filed 17 years after filing written statement by the respondents, denying execution of the sale agreement. There is absolutely no justification for filing an application of this nature after a

period of 17 years. I am therefore of the view that the learned trial Judge was perfectly correct in dismissing the application.

7. In the upshot, I dismiss the civil revision petition. No costs. Consequently, C.M.P.No.15015 of 2016 is dismissed.

14.11.2016

Index:Yes/no
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To
The District Munsif Court, Sankari.

K.K.SASIDHARAN, J.

(tar)

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