

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2016

CORAM:

THE HONOURABLE Mr.**JUSTICE K.K.SASIDHARAN**

CRP[PD] Nos.3060 & 3061 of 2016
and
CMP.No.15535 of 2016

M.K.Sathiyamoorthi ...Petitioner in both CRPs.

versus

P.Balaraman ...Respondent in both CRPs.

PRAYER in CRP[PD] No.3060 of 2016: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 16.02.2015 passed in I.A.No.8 of 2013 in O.S.No.16 of 2012 on the file of the learned I Additional District and Sessions Judge, Vellore.

PRAYER in CRP[PD] No.3061 of 2016: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 03.08.2016 passed in I.A.No.5 of 2015 in O.S.No.16 of 2012 on the file of the learned I Additional District and Sessions Judge, Vellore.

For Petitioner(in both CRPs) : Mr.T.Gunasekar

COMMON ORDER

The respondent earlier filed an application in I.A. No. 8 of 2013 in O.S. No. 16 of 2012 to send the suit promissory note to an expert for expert

opinion. The said application was dismissed by the trial Court on 28.03.2013 against which the respondent herein filed a revision petition in CRP (PD) No. 118 of 2014 before this Court. This Court, while setting aside the order impugned therein, remanded the matter to the trial Court for fresh consideration. After remand, the trial Court allowed I.A. No. 8 of 2013 by appointing an advocate commissioner to handover the documents to the expert. Challenging the same, the Plaintiff filed CRP (PD) No. 3060 of 2016. The petitioner filed an application under Section 151 of CPC to send the documents marked as Ex.A1 to A21 in O.S. No. 16 of 2015 to the expert for comparison along with the admitted signatures. The said application was dismissed by the trial Court on 03.08.2016 on the ground that the opinion of the expert has already been received. Challenging the same, CRP (PD) No. 3061 of 2016 has been filed.

2.Heard the learned counsel for the petitioner.

3.It is a matter of record that on the basis of the order dated 26.11.2014 in CRP (PD) No.118 of 2014, the trial Court allowed I.A. No. 8 of 2013, and appointed an advocate commissioner through whom the documents were sent to the expert for opinion. The opinion of the expert was received by the trial Court. At this stage, the petitioner wanted the trial Court to forward the documents marked as Exs. A1 to A21 in O.S. No. 16 of

2005 for expert opinion. By citing the receipt of expert opinion, the trial Court has rightly dismissed this application filed by the petitioner. The question of sending the documents viz., Ex.A1 to A21, that too from the records of another suit in O.S.No.16 of 2005 of a different Court does not arise. It is open to the petitioner to examine the expert, if he is so advised.

4.The Civil Revision Petitions are disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

29.09.2016

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Index:Yes/No
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To

The I Addl. District and Sessions Judge,
Vellore.

K.K.SASIDHARAN, J.

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