

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.3096 of 2016
and
C.M.P.No.15738 of 2016

V.Murali

... Petitioner

vs.

G.Anuradha

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair Order and Decretal Order dated 23.11.2015 passed in I.A.No.87 of 2013 in C.M.A.No.13 of 2009 on the file of the Principal District Judge, Kancheepuram at Chengalpattu.

For Petitioner : Mr.N.Sivaprakash

ORDER

The petitioner filed an Application in I.A.No.87 of 2013 in C.M.A.No.13 of 2009 seeking permission to lead additional evidence. The Application was dismissed by the Trial Court on the ground of maintainability. The order has become final. Thereafter, the proceedings in HMOP No.168 of 2009 was dismissed on merits. The petitioner filed C.M.A.No.13 of 2009 challenging the Judgment and

Decree in HMOP No.168 of 2009 before the appellate Court. The petitioner filed an Application in I.A.No.87 of 2013 to send the medical records for comparison of signature. The Application was dismissed by the District Court, Kancheepuram @ Chengalpattu. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that the first appellate Court dismissed the Application filed by the petitioner for expert opinion notwithstanding initiation of such Application before the Trial Court earlier. According to the learned counsel, the petitioner earlier filed an Application before the Trial Court in I.A.No.84 of 2009 to send the documents for expert's opinion. The Application was dismissed by the Trial Court, on the ground that the evidence has already been closed. According to the learned counsel, as on the date of on which the Application was filed, originally, the evidence was not closed.

3. There is no dispute that the Application filed by the petitioner in I.A.No.84 of 2009 was dismissed by the Trial Court. The order has become final. The petitioner wanted the very same relief from the first Appellate Court. It was only for the said purpose, the

petitioner filed the Application in I.A.No.87 of 2013 in C.M.A.No.13 of 2009. When there is an earlier order dated 23.6.2009 in I.A.No.84 of 2009 in HMOP No.168 of 2009, there is no question of initiating a fresh Application for the very same cause before the first Appellate Court. I am, therefore, of the view that no interference is called for in the order passed by the learned Principal District Judge, Chengalpattu.

4. In the result, the Civil Revision Petition is dismissed.
No costs. Connected Miscellaneous Petition is closed.

21.11.2016

Index : yes / no

Internet :yes / no

asvm

To

1.The Principal District Judge,
Chengalpattu.

K.K.SASIDHARAN, J.

(asvm)

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