

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.349 of 2016 and
C.M.P.No.1823 of 2016

D.MurugaRamanathan

...Petitioner

versus

R.Loganathan

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 17.11.2015 in I.A.No.448 of 2015 in O.S.No.176 of 2013 on the file of I Additional District and Sessions Court, Coimbatore.

For Petitioner : Mr.C.R.Prasanan

For Respondent : Mr.N.Manoharan

ORDER

The respondent filed an application in I.A.No.448 of 2015 in O.S.No.176 of 2013 to direct a third party to produce a document. The application was filed primarily for sending the documents to a handwriting expert. The application was opposed by the petitioner by filing counter. The petitioner contended that a similar application was filed earlier. Subsequently, the application was not pressed by the

respondent and as such, another application for the very same relief is not maintainable. The Trial Court allowed the said application. Feeling aggrieved, the petitioner has come up with this civil revision petition.

2. The learned counsel for the petitioner contended that a similar application was filed by the respondent earlier for sending the documents for expert opinion. The application was dismissed as withdrawn. In view of the earlier order, the respondent is not entitled to maintain another application for sending the document for expert opinion.

3. I have also heard the learned counsel on behalf of the respondent.

4. The prayer in I.A.No.448 of 2015 is for a direction to a third party to produce a document containing the signature of Mrs.L.Subbulakshmi, the wife of the respondent. It is true that there was an indication in the said application that the purpose was to send the document for handwriting expert. However, the fact remains that the prayer in the application was only to direct the President of the society to produce the document. There is no question of dismissing the

said application on the ground that earlier application to send the document for expert opinion was dismissed as not pressed.

5. The application filed by the petitioner to send the document for Expert Opinion is still pending on the file of the learned I Additional District and Sessions Judge, Coimbatore. It is always open to the petitioner to oppose the said application on the ground of dismissal of the earlier application. In case, any such contention is taken, the same would also be decided by the learned Trial Judge on merits. However, the dismissal of the earlier application alone cannot be a reason to set aside the order passed by the learned Judge to direct the third party to produce a document. I am therefore of the view that there is no merit in the revision petition.

6. The Civil Revision Petition is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

24.10.2016

Index:Yes/No
svki

K.K.SASIDHARAN, J.

(svki)

To

The I Additional District and Sessions Court, Coimbatore

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