

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).Nos.3600 and 3601 of 2016
and
C.M.P.No.18320 of 2016

Poovathal .. Petitioner in both C.R.Ps.
Vs.
1. Kandasamy
2. Govindasamy .. Respondents in both C.R.Ps.

Civil Revision Petition No.3600 of 2016 filed under Article 227 of the Constitution of India against the fair and final order dated 26.09.2016 in I.A.No.270 of 2016 in O.S.No.39 of 2013 on the file of the District Munsif Court, Palladam, Tirupur District.

Civil Revision Petition No.3601 of 2016 filed under Article 227 of the Constitution of India against the fair and final order dated 26.09.2016 in I.A.No.280 of 2016 in O.S.No.39 of 2013 on the file of the District Munsif Court, Palladam, Tirupur District.

For petitioner : Mr.P.M.Duraiswamy

For respondents : Ms.P.T.Asha for M/s.Sarvabhauman Associates
(caveator)

ORDER

These revision petitions are filed against the orders dated 26.09.2016 passed in I.A.Nos.270 and 280 of 2016 in O.S.No.39 of 2013 on the file of the

District Munsif Court, Palladam.

2. The revision petitioner/plaintiff has filed I.A.No.270 of 2016 in O.S.No.39 of 2013 seeking permission to send for the documents from the Sub-Registrar Office, Sulur, with respect to the sale deed, dated 10.02.1997 registered as Document No.429 of 1997 and I.A.No.280 of 2016 in O.S.No.39 of 2013 is filed seeking permission to send for the documents from the Sub-Registrar Office, Palladam, with respect to the settlement deed, dated 26.09.1991, registered as Document No.2567 of 1991 and partition deed, dated 24.04.1997, registered as Document No.1572 of 1997.

3. The suit is filed for declaration that the above documents are null and void and not binding on the plaintiff. Pending suit, the plaintiff has taken out the above applications to call for the documents from the respective SRO and to send them to handwriting expert to compare and give opinion in respect of the disputed signatures and thumb impression in the said documents. Admittedly, the original documents are with the defendants and they are under pledge in the Bank.

4. Learned counsel for the respondents/defendants states that they have got no serious objection for allowing the two applications to call for the documents from the respective SROs and to send them to the handwriting expert for obtaining an opinion after comparing the signatures/thumb impression found in the documents with the admitted signatures.

5. Learned District Munsif dismissed the applications stating that the

documents cannot be summoned from the SRO, as the Document Register may be required for the purpose of day-to-day affairs. The learned District Munsif, on an impression that the entire Register has to be sent to the handwriting expert, which includes the other documents also, had dismissed the I.As. However, it is now agreed by both the learned counsel for the parties that the photo-copies of the above documents can be taken from the respective SROs and they may be sent to the handwriting expert for comparing the disputed signatures found in them with the admitted signatures including the thumb impression and obtain a report.

6. Accordingly, SRO, Palladam and SRO, Sulur, are directed to issue the photo-copies of the said documents required for the purpose of comparing the signatures and getting an opinion from the handwriting expert, including the thumb impression. The entire exercise of taking photo-copies of the documents and sending them to the handwriting expert and obtaining a report, shall be completed on or before 28.02.2017.

7. With the above observations and directions, both the revision petitions are disposed of. No costs. Consequently, C.M.P. is closed.

08-12-2016

CS

Copy to

1. The District Munsif, Palladam, Tirupur District.
2. The Sub-Registrar, SRO, Palladam, Tirupur District.
3. The Sub-Registrar, SRO, Sulur, Tirupur District.

C.R.P.(PD).Nos.3600 & 3601 of 2016

08.12.2016