

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) No.854 of 2016
and CMP.No.4760 of 2016

BRS.R.Rangasamy

... Petitioner

Versus

Vijayalakshmi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 08.12.2015 made in I.A.No.438 of 2014 in O.S.No.129 of 2014 on the file of the First Additional District Court, Erode.

For Petitioner : Mr.C.Ramkumar

For Respondent : No appearance

ORDER

The petitioner herein filed a suit in O.S.No.129 of 2014 for specific performance. The suit was filed on the strength of a sale agreement dated 01.12.2011. The respondent denied the execution of the document. Since the petitioner failed to take action for sending the document for expert opinion, the respondent filed an application. The prayer in I.A.No.438 of 2014 was to compare the sale agreement dated 01.12.2011 with reference to a document dated 17.02.2010. The learned Trial Judge allowed the application in spite of the objections raised by the petitioner. Feeling aggrieved, the petitioner is before this Court.

2. The learned counsel for the petitioner contended that the sale agreement was made on 01.12.2011. The respondent wanted to compare the sale agreement with a document executed on 17.2.2010. According to the learned counsel, in view of the time lag between 17.2.2010 and 01.12.2011, the trial Court was therefore not correct in sending the suit document for comparison.

3. The sale agreement was executed on 01.12.2011. The execution of the document was disputed by the respondent. It was only under such circumstances, the respondent filed the application in I.A.No.438 of 2014. The document dated 17.02.2010 can be relied as it was a contemporaneous document. The sale agreement was executed less than two years from the date of execution of the document dated 17.02.2010. The trial Judge, therefore, was perfectly correct in allowing the application. I do not find any error or illegality in the order passed by the learned Trial Judge, warranting interference, by invoking the revisional jurisdiction under Article 227 of the Constitution of India.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2016

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To
The First Additional District Court,
Erode.

K.K.SASIDHARAN, J.

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