



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P (MD) No.51 of 2016

1.S.Subbiah

2.Bhuvaneswari

.. Petitioners

Vs.

Porkodi

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Pudukottai, to dispose of the interlocutory application in I.A.No.747 of 2014 in O.S.No.112 of 2014, within a time frame which may be fixed by this Court.

For Petitioners: Mr.N.Balakrishnan

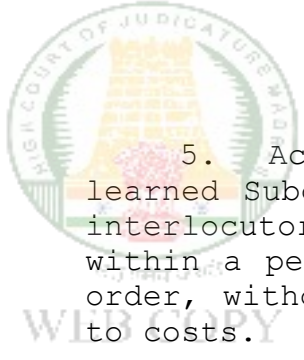
ORDER

Invoking the provisions of Article 227 of the Constitution of India, the petitioners have approached this Court with this Civil Revision Petition, seeking a direction to the learned Subordinate Judge, Pudukottai, to dispose of the interlocutory application in I.A.No.747 of 2014 in O.S.No.112 of 2014, as expeditiously as possible preferably within a time, which may be fixed by this Court.

2. The revision petitioners, herein are the defendants in O.S.No.112 of 2014, whereas the respondent is the plaintiff. It is revealed from the records that the respondent has filed the above suit as against the petitioners herein, for specific performance on the basis of an agreement for sale. The first petitioner has contended that he did not execute the sale agreement. In respect of the signature, his main contention is that his signature has been forged for the purpose of filing the suit on the cooked up agreement for sale. In order to establish this contention, the petitioner has filed an application in I.A.747 of 2014 to examine the signature of the first petitioner, find a place in the agreement of sale with other admitted signature of the first petitioner by appointing a qualified handwriting expert. This petition was filed on 13.10.2014. However, the respondent being the plaintiff has not chosen to file her counter even after passing of one year. Therefore it became necessary for the petitioner to approach this Court with this petition seeking a direction as afore stated.

3. Heard Mr.N.Balakrishnan, learned counsel appearing for the petitioner and perused the averments made in the grounds of the petition.

4. Having been satisfied with the reasons assigned therein, this Court is of the view that in the interest of justice, it may be expedient to issue a direction to the trial Court, as sought for by the petitioner.



5. Accordingly, this Civil Revision Petition is allowed. The learned Subordinate Judge, Pudukottai, is hereby directed to dispose the interlocutory application in I.A.No.747 of 2014 in O.S.No.112 of 2014 within a period of one month from the date of receipt of a copy of this order, without loss of further time. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Co.Dept.)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge, Pudukottai.

+1cc to Mr.N.Balakrishnan, Advocate SR.No.3058

sm:sks-rr:08.03.2016:2P/3c

C.R.P (MD) No.51 of 2016
19.01.2016