

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

CIVIL REVISION PETITION No.4514 of 2016

ORDER:

The application of the defendant in a suit for specific performance seeking the suit agreement of sale to be sent for examination by a handwriting expert was dismissed by the trial Court forcing the defendant to come up with the above revision.

Heard the learned counsel on both sides.

Though the application under Section 45 of the Indian Evidence Act, 1872 had been filed in 2008 itself, along with written statement, the trial Court had taken lot of time to pass orders on this application. This is not the way to dispose of such an application.

But nevertheless the order passed by the trial court cannot be said to be faulty. This is in view of the fact that the petitioner is unable to produce a document, which is contemporaneous to the suit sale agreement. Therefore, the trial Court was right in rejecting the application. Hence the civil revision petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

21st October, 2016
Js.

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Date: 21-10-2016

Js.