

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.2503 of 2016

Order:

Aggrieved by the refusal of the Court below to enlarge the time for payment of expert fee, for the purpose of sending the suit promissory note for examination by a handwriting expert, the defendants in the suit have come up with the present revision.

2. By the order dated 04-4-2016 passed in I.A.No.179 of 2016 in O.S.No.31 of 2014, the trial Court allowed the application of the petitioners for referring the suit pronote to handwriting expert subject to payment of fees of Rs.3,000/- on or before 13-4-2016. The petitioners deposited the money on 19-4-2016 with a delay of six days. But the same was not accepted by the Court below, resulting in the dismissal of the application.

3. But unfortunately, by the time the petitioners moved this Court with a revision petition, the suit itself was decreed, rendering the revision infructuous. Therefore, the revision is liable to be dismissed as infructuous. However, in the light of the fact that the order of the trial Court permitting the examination of the suit pronote by a handwriting expert has attained finality, it will be open to the petitioners to take out an application before the appellate Court for a similar relief. Accordingly, the revision is dismissed as infructuous. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

29th July, 2016.
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