

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.184 of 2017
and
C.M.P.No.779 of 2017

R.Sundararajan

.. Petitioner

Vs.

S.Chinnasamy

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 13.04.2015 in I.A.No.1048 of 2014 in O.S.No.1182 of 2010 on the file of the III Additional Sub-Court, Coimbatore.

For petitioner : Mr.R.Govindaraj

ORDER

In a suit for specific performance, the defendant has filed this revision petition aggrieved by the order refusing to entertain the application under Section 45 of the Indian Evidence Act, to send the disputed exhibits Exs.A-5 and A-6 to compare the signatures thereon with Ex.A-1, to the handwriting expert. Admittedly, the suit is now pending for the defendant's

side arguments. The learned trial Judge has stated that the defendant had admitted the signatures found in Ex.A-1 sale agreement and if need be, the Court is competent to compare the disputed signatures along with the admitted signatures found in Ex.A-1. Though comparison of signature by Court is deprecated, that does not automatically entitle the defendant to file the application under Section 45 of the said Act, after completion of the plaintiff's side arguments. The suit is of the year 2010. Even otherwise, there is no bona-fide in the case of the defendant/revision petitioner. The application has been rightly dismissed by the trial Court. There is no infirmity in the same warranting interference by this Court. Hence, the Civil Revision Petition is dismissed. No costs. C.M.P. is closed.

24.01.2017

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The Third Additional Sub-Judge, Coimbatore.

PUSHPA SATHYANARAYANA, J

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