

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 13.10.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.R.P. (NPD) No.3810 of 2017

and

C.M.P. No.17812 of 2017

Lalitha Ammal

... Petitioner

Versus

1. P.Natarajan,
2. Parasurama

... Respondents

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and decretal order dated 07.08.2017 made in I.A.No.16 of 2017 in A.S. No.66 of 2012 on the file of the Additional Subordinate Judge, Tindivanam.

For Petitioner : Mr.T.Dhanasekaran

ORDER

Challenging the order passed in Application under Order 41 Rule 27 CPC to examine the handwriting expert by the order dated 7.8.2017 is under challenge in this revision petition.

2. The suit is for specific performance.

3. The plaintiff himself took the burden of taking the disputed sale agreement for hand writing expert opinion and expert opinion has been received by the trial Court. But there has been a procedural irregularity in not marking the document which is certified by the expert. But the trial Court has relied upon the document, which is not proper, as no opportunity was given to the other side, to challenge the

document itself. Now in the appeal, application has been filed under Order 41 Rule 27 to examine the expert and that has been rightly allowed by the Court.

4. However, the apprehensions expressed by the learned counsel for the revision petitioner is that this opportunity may be taken as a tool to drag on the proceedings and that it would result in prolonging the issue which would be detrimental to the defendant.

5. Considering the submission made on behalf of the revision petitioner, the first appellate court is directed to examine the expert witness immediately, without any further delay by giving an opportunity to both sides and dispose of the appeal within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also closed. No costs.

13.10.2017

Index : Yes/No
Internet : Yes / No
Speaking / Non speaking
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To

Additional Subordinate Judge, Tindivanam.



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