

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.4342 & 4343 of 2017
in C.M.P No. 20436 of 2017

T.P.Mustafa

... in both the CRPs
 Petitioner/Defendants No.3

Vs.

1. Thayatt Pudukudi Subaida
 P.Holder by Balakrishnan
2. T.P.K.Yousaf
3. T.P.Adbul Rahiman
4. T.P.Shanavaz (Moidu)

... in both the CRPs
 Respondents/Plaintiff, Defendants 1,2 & 4

Prayer in CRP.No: 4342 of 2017: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order dated 28.07.2017, passed in I.A.No.267/2016 in O.S.No. 48/2015, on the file of the Subordinate Judge at Mahe.

Prayer in CRP.No:4343 of 2017: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order and decretal order dated 28.07.2017, passed in I.A.No.101 of 2017 in O.S.No.48/2015, on the file of the Subordinate Judge at Mahe.

For Petitioner : Mr.Stalin Abhimanyu
 For Respondents : M/s.Sarvabhuman Associates

ORDER

Aggrieved over the rejection of claim to receive the document and send for forensic examination, the petitioner/ defendant is before this Court.

2. The petitioner produced an unregistered agreement entered with the third party to be received as document and to send the same for forensic examination. The very document was disputed by respondent defendant that it was fabricated for the purpose of forensic examination. The trial court has held that the document which is sought to be sent for comparison is not admitted by the respondent plaintiff and, therefore, it cannot be compared with the challenged document and further that the petitioner/defendant can produce any other contemporaneous document or admitted document for sending it for comparison. The trial court has categorically held that the relief sought for the petitioner cannot be granted for the present. Since the liberty is already granted by the Trial Court to produce any other valid and admitted document containing the Thumb impression of the deceased Mariyamma, it will be considered afresh.

3. In such circumstance, the order passed by the Trial Court cannot be interfered. Liberty is granted to the petitioner to produce any other valid or admitted document as observed by the Trial Court and renew his request for forensic examination.

4. With these observations, the Civil Revision Petition are disposed of. No costs. Consequently connected miscellaneous petitions is closed.

29.11.2017

Index : Yes/No
Internet : Yes/No
bsm

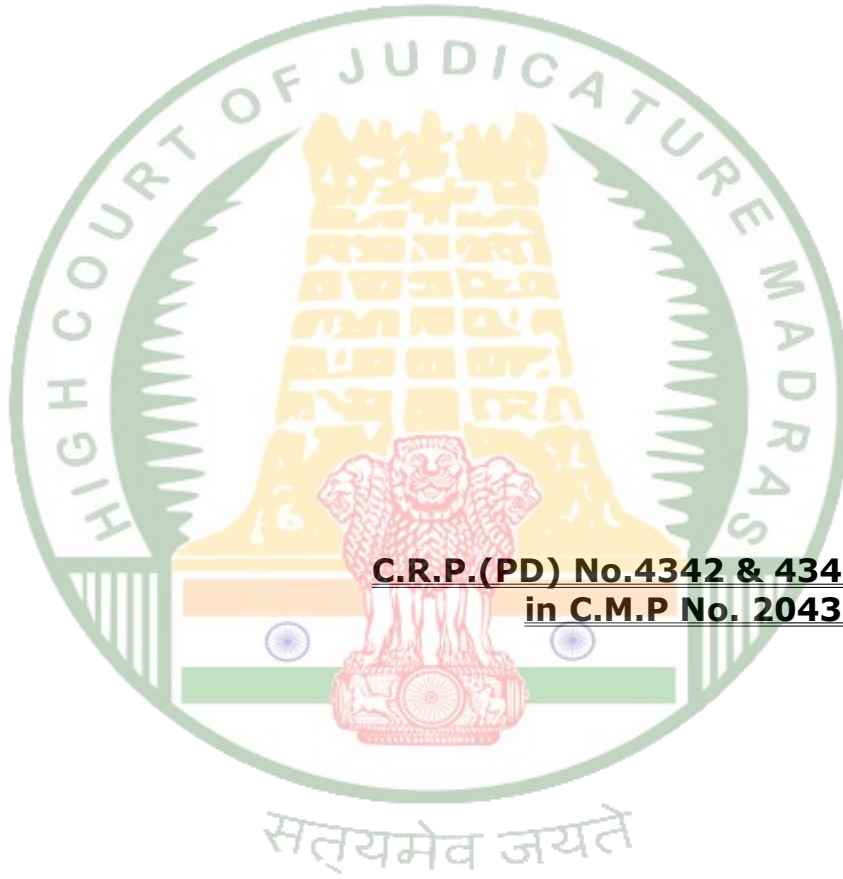
To

The Subordinate Judge, सत्यमेव जयते
Mahe.

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M.GOVINDARAJ,J.

bsm



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