

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.4687 to 4689 of 2012
and M.P.No.1 of 2012

1.Joel Jayakumar
2.Vatsala Barnabas

... Petitioners
in all the C.R.Ps.

Vs.

V.Bagath Singh

... Respondent
in all the C.R.Ps.

Common PRAYER :

Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order dated 16.04.2012 in I.A.Nos.186, 187 & 191 of 2012 in O.S.No.47 of 2000 on the file of the Principal Subordinate Court, Chengalpattu.

For Petitioners : Mr.J.Srinivasa Mohan

For Respondent : No appearance

COMMON O R D E R

The Civil Revision Petitions are filed against the fair and decretal order dated 16.04.2012 in I.A.Nos.186, 187 & 191 of 2012

in O.S.No.47 of 2000 on the file of the Principal Subordinate Court, Chengalpattu.

2. The petitioners are the defendants 1 & 3 and respondent is the plaintiff in O.S.No.47 of 2000. The respondent filed suit for specific performance of the agreement of sale dated 10.04.1997 against the petitioners 1 & 2 and other defendants. The petitioners and second defendant filed written statement on 10.07.2001 and are contesting the suit. Trial commenced. The evidence was let in by both the parties and the same was closed. When the suit was posted for arguments, the petitioners filed three applications in I.A.Nos.186, 187 and 191 of 2012 to reopen the case of the defendants, to recall the evidence of D.W.1 for letting in further evidence and to receive additional documents respectively.

3. According to the petitioners, agreement of sale dated 10.04.1997 is fabricated and forged one. The petitioners obtained opinion from private handwriting expert by comparing the disputed signature with admitted signature. Therefore, it is necessary to examine private handwriting expert and mark his opinion.

4. The respondent filed counter affidavit opposing the said application and submitted that agreement of sale dated 10.04.1997

is not forged one. The disputed and admitted signatures are already sent to the Government Forensic Department for comparison and the report is also submitted. The petitioners have not filed any objection to the report of the Government Forensic Department. Without permission and knowledge of the Court, the petitioners have obtained opinion from the private handwriting expert and the respondent is not a party to the same. The trial completed and when the suit is posted for arguments, the petitioners filed the present applications only to drag on the proceedings.

5. The learned Judge considering the averments made in the affidavit, counter affidavit and materials on record, dismissed all the three applications.

6. Against the order of dismissal dated 16.04.2012 made in I.A.Nos.186, 187 & 191 of 2012, the present civil revision petitions are filed by the petitioners.

7. Though notice was served on the respondent and entered appearance through the counsel, today there is no representation on behalf of the respondent either in person or through counsel.

8. Heard the learned counsel for the petitioners and perused the materials on record.

9. From the materials available on record, it is seen that the Court has already sent the disputed and admitted signatures to the Government Forensic Department to get opinion. The petitioners stated that they had obtained opinion from the private handwriting expert and therefore, they seek permission of the Court to examine the said expert and mark his opinion. It is pertinent to note that the petitioners had obtained such opinion without any permission of the Court, while the suit is pending. The petitioners have obtained opinion only by comparing the xerox copy of the signature. The original documents are in the Court. An expert cannot give any opinion by comparing xerox copy of the disputed or admitted signatures.

10. In view of the above facts, all the three applications filed by the petitioners are devoid of merits. The learned Judge considering all the aspects in proper perspective and rightly dismissed the applications. There is no illegality or irregularity in the order of the learned Judge dated 16.04.2012 warranting interference by this Court.

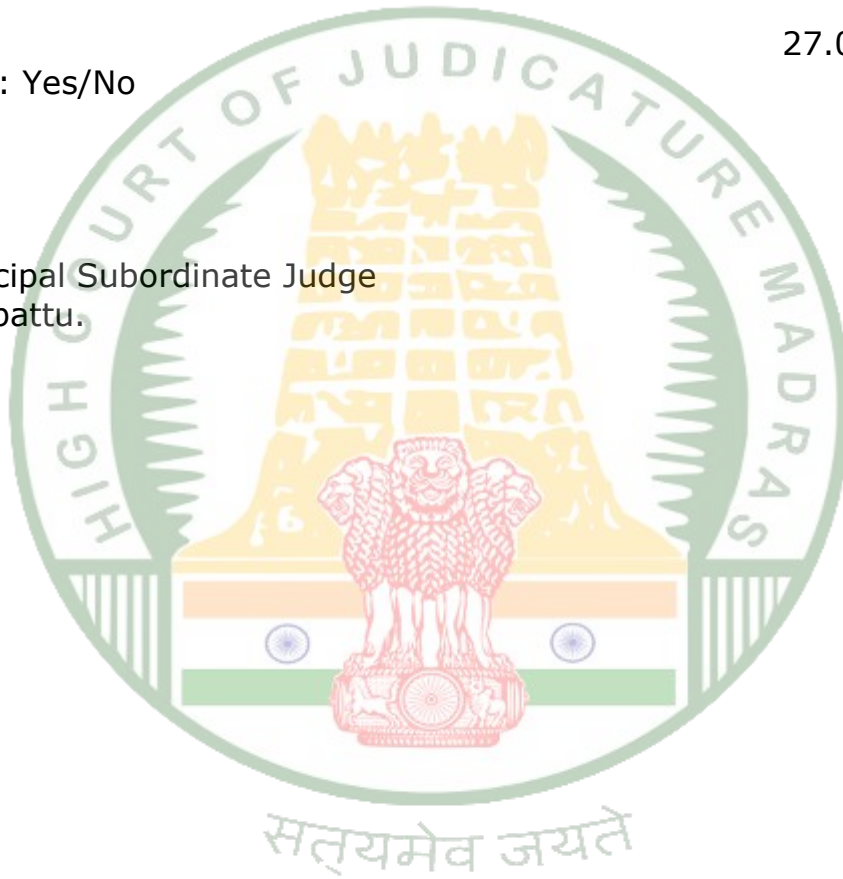
11. In the result, the Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.07.2017

Index : Yes/No
kj

To

The Principal Subordinate Judge
Chengalpattu.



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V.M.VELUMANI, J.

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