



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2017

CORAM :

WEB COPY

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

C.R.P (MD)No.780 of 2017(PD)

and

C.M.P (MD)No.3564 of 2017

S.Rathinam

.. Petitioner/Petitioner/ Defendant

vs.

K.Soundharya

.. Respondent/Respondent/ Plaintiff

**Prayer:-** Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 19.12.2016 passed in I.A.No.1017 of 2015 in O.S.No.173 of 2014, on the file of the Subordinate Judge, Srivilliputhur, Virudhunagar District.

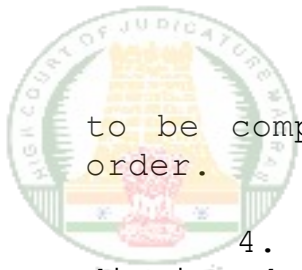
For Petitioner : Mr.V.M.Balamohan Thampi

### ORDER

This revision petition is filed against the fair and decreetal order dated 19.12.2016 passed in I.A.No.1017 of 2015 in O.S.No.173 of 2014, on the file of the Subordinate Judge, Srivilliputhur, Virudhunagar District.

2. The application in I.A.No.1017 of 2015 filed by the revision petitioner to seek expert opinion regarding the admitted document and disputed document was dismissed by the Trial Court on the ground that both the documents are not contemporaneous documents and further the other request of the revision petitioner to compare the signature of the attested witness is unsustainable and untenable. This Court finds no error in the order passed by the Trial Court and hence the order passed by the Trial Court is confirmed.

3. The learned counsel for the revision petitioner submits that the revision petitioner filed R.C.O.P.No.4 of 2012 and if that admitted document is compared with the disputed document, dated 29.08.2011, he will be able to establish the forgery committed by the respondent. But that was not the prayer sought by the revision petitioner in I.A.No.1017 of 2015. If such an application is filed by the revision petitioner, it is for the Trial Court to consider the nature of the admitted document sought



to be compared with the disputed documents and pass appropriate order.

4. In view of the above, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

/True Copy/

Sd/-  
Assistant Registrar

Sub Assistant Registrar

To  
The Subordinate Judge,  
Srivilliputhur,  
Virudhunagar District.

+1 cc to Mr.V.M.Balamohan Thampi, Advocate, SR.No. 52360

**C.R.P (MD) No.780 of 2017 (PD)**  
**18.04.2017**

PJL  
MKV-RR-SAR 3/27.4.2017/2P-3C