

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.273 of 2017

ORDER:

Aggrieved by the dismissal of an application under Section 45 of the Indian Evidence Act, 1872, the 1st defendant has come up with the above revision.

2. The 1st respondent in this revision filed a suit for partition. It appears that the defendants 3 and 4 are supporting the case of the plaintiff. The petitioner/1st defendant claimed absolute title to the property on the basis of a relinquishment deed, the original of which was filed as Ex.B.8. Another document namely Ex.B.1, which is the Gift deed executed by the plaintiff in favour of his wife, was also relied upon by the petitioner/1st defendant. It appears that defendants 3 and 4 have taken a stand that Ex.B.8 is forged and fabricated document. Therefore, in order to disprove their contention, the petitioner took out an application under Section 45 of the Act, but the same was dismissed by the trial Court.

3. I do not think that there is any irregularity or illegality in the order of the trial Court. The document in question was filed by the petitioner/1st defendant. The genuineness of the document is disputed by defendants 3 and 4 and not by the plaintiff. Therefore, I do not know why the petitioner/1st defendant should disprove what defendants 3 and 4 stated, when he can prove the genuineness of the documents with his own evidence. Hence, the Civil Revision Petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 20-01-2017

Ksn

