

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No.178 of 2018

A.Chandrasekaran

.. Petitioner

Vs

1.L.Nirumaladevi

2.L.Youva Priya

3.R.Poorani

4.L.Saravanan

.. Respondents

**PRAYER:** This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned I Additional District Judge, Tiruppur to dispose of the Memo filed by the Petitioner in I.A. No.976 of 2015 in O.S. No.153 of 2014 within a specific period as fixed by this Court.

For Petitioner :Mr.S.Kumara Devan

**ORDER**

This Civil Revision Petition is filed to direct the learned I Additional District Judge, Tiruppur to dispose of the Memo filed by the Petitioner in I.A. No.976 of 2015 in O.S. No.153 of 2014 within a specified period as may be fixed by this Court.

2.The learned counsel for the revision petitioner would submit that the petitioner has filed an application in I.A. No.976 of 2015 in O.S. No.153 of 2014 for appointment of an Advocate Commissioner and the same is allowed by the Court below. The respondents herein have filed a Civil Revision Petition in C.R.P.(PD) No.471 of 2016 before this Court to modify the order passed by the Court below in I.A. No.976 of 2015. Accordingly, the said Civil Revision Petition was disposed of with a direction to send the documents to the Forensic Science Laboratory for examination of the signature with admitted signature and to give expert opinion by this Court.

3.Pursuant to the order, the Deputy Director of Forensic Department has communicated to the Court in shield cover through the Advocate Commissioner, wherein, it is stated that the admitted signatures of S1 to S3 found in the sale agreement is not sufficient to compare with the disputed signatures in Q1 to Q5 found in the back side of the Sale Agreement and the Forensic Department wants further documents for comparison of the signature. On the basis of the said communication, the revision petitioner has filed a memo in I.A. No.976 of 2016 by producing the additional documents in Document No.612 of

2012 dated 30.11.2012 to compare the same along with the disputed signature found on the back side of the sale agreement. However, the memo is still pending before the Court below. The Court below has not dispose of the said memo and the same has been adjourned from time to time. Even though, the objections also filed by the respondents and the said memo is still pending before the Court below. Therefore, the petitioner has filed the present Civil Revision Petition before this Court.

4. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on records.

5. A perusal of record shows that pursuant to the order passed by this Court, the Deputy Director, Forensic Department has communicated to the Court below that the signatures found in the documents submitted to the department could not be compared with the disputed signature. Therefore, seeks any other documents for analysis and to submit a report. Hence, the revision petitioner has filed a memo by furnishing other documents as requested by the Forensic Department. Even though, objections has been filed before the Court below, the memo is not yet disposed of.

6. In the light of the above, without expressing any opinion on merits, whether the memo filed by the petitioner is maintainable or not, shall be considered by the Court below and pass appropriate orders on merits and in accordance with law preferably within a period of six weeks from the date of receipt of a copy of this order, after providing opportunities to the parties concerned.

7. Accordingly, the Civil Revision Petition is disposed of. No costs.

19.01.2018

Index: Yes/ No

Internet : Yes/No

Speaking Order/Non Speaking Order

RKP

To:

I Additional District Judge,  
Tiruppur

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D. KRISHNAKUMAR J.,

RKP



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