

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 4180 of 2017
and
CMP. No.19584 of 2017

M. Ponraj

.. Petitioner

Vs.

1. D. Krishnan

2. S. Devika

.. Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order passed by the Principal District Munsif Court, Alandur dated 08.08.2017 in I.A. No. 711 of 2017 in O.S. No. 787 of 2009 and allow the revision petition.

For Petitioner : Mr.K. Kannan

For Respondents : Mr. J. Ferozkan

ORDER

The present Civil Revision Petition is filed against the fair and final order passed by the Principal District Munsif Court, Alandur dated 08.08.2017 in I.A. No. 711 of 2017 in O.S. No. 787 of 2009.

2. The learned counsel for the petitioner would submit that the petitioner has filed the suit in O.S. No. 787 of 2009 seeking for declaration against the respondents. In the aforesaid suit, the petitioner has filed an application in I.A. No.711 of 2017 to compare the thumb impression found in the register maintained by the SRO, Chrompet with the thumb impression of left hand index finger of the petitioner. The said application was dismissed by the court below and hence the present revision petition is filed before this Court.

3. According to the petitioner, the petitioner being the plaintiff in the suit, to prove that the Power of Attorney is a forged document, stated to have been executed by the petitioner in favour of the 1st respondent/ 1st defendant, the instant application is taken out for comparison. Hence, the order passed by the court below is liable to be set aside.

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4. Per contra, the learned counsel for the respondents would submit that the suit was filed in the year 2009 and the petitioner has filed the I.A. No.1538 of 2012 before the trial court to compare his

signature found in the Power of Attorney. The said application was allowed and a report was submitted by the Tamil Nadu Finger Print Department. In the aforesaid report, the petitioner's signature was confirmed by the authorities. Thereafter, the petitioner has again filed an application in I.A. No. 770 of 2015 with the same prayer, to compare the thumb impression of the petitioner with the thumb impression in the registered deed of Power of Attorney. The said petition was also allowed and the department confirmed the petitioner's thumb impression. Now the suit is posted for trial by the trial court. At this stage, the present application has been filed in I.A. No. 711 of 2017, seeking the very same prayer. Therefore, the court below has rightly dismissed the application.

5. Considered the facts of the case and the submission of the learned counsel for the petitioner and the respondents and perused the material available on record.

6. From the above facts, it is found that the petitioner has already filed applications in I.A. Nos. 1538 of 2012 and 770 of 2015 seeking to

compare the thumb impression of the petitioner with that of the thumb impression in the registered Power of Attorney. Both the applications were allowed and reports were also submitted by the Finger Print Expert Department. Therefore, the instant application filed by the petitioner for the very same prayer, to compare the thumb impression of the petitioner with that of the thumb impression in the registered Power of Attorney, cannot be accepted. Hence, the court below has rightly dismissed the said application. Therefore, there is no error or illegality in the order passed by the court below and hence this Court does not warrant to interfere with the order of the court below. However, at the request of the learned counsel for both the parties, the court below is directed to dispose of the suit, within a period of six months from the date of receipt of a copy of this order.

7. Therefore, the Civil Revision Petition fails and the same is dismissed, with the above direction. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.02.2018

Index: Yes/ No

Speaking Order/Non Speaking Order

To

The Principal District Munsif Court
Alandur.



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D. KRISHNAKUMAR J.,

avr



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