

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.868 of 2018
and CMP.No.4756 of 2018

S.Muthugopalakrishnan .. Petitioner

Vs

S.Ragupathy .. Respondent

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 20.10.2017 passed in IA.No.168 of 2017 in IA.No.55 of 2016 in OS.No.325 of 2015 on the file of the Subordinate Court, Udumalpet and prays that the same may be set aside.

For Petitioner : Mr.D.Saravanan

ORDER

The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. According to the revision petitioner, the respondent herein has filed an application in IA.No.55 of 2015 in OS.No.325 of 2015

on the file of the Subordinate Court, Udumalpet for the prayer to refer the plaint document No.3 to handwriting experts attached to Tamil Nadu Forensic Department of Tamil Nadu Police, Chennai through Advocate Commissioner. In the aforesaid application, the respondent has filed an application in IA.No.168 of 2017 to amend the prayer by including "to compare with the sale deed dated 03.02.2014, Document No.784/2014, SRO Udumalpet and with Udumalpet Canara bank Acknowledgement of Debt and Surety letter dated 20.06.2015 for opinion to hand writing experts attached to Tamil Nadu Forensic Department of Tamil Nadu Police Chennai through advocate commissioner". In the aforesaid application, the revision petitioner has opposed by stating that the said copy of the document was not furnished to the revision petitioner. The court below has allowed the application. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court.

3. The learned counsel for the revision petitioner would submit that the said application has been filed after two years from filing the application in IA.No.55 of 2015 and also the document relied upon by the respondent has not been furnished to the revision petitioner. Hence, the order of the court below is liable to be set aside.

4. Heard the learned counsel for the revision petitioner and

perused the materials available on record.

5. By considering the facts of the case, perusal of records shows that the respondent has filed the instant application in IA.No.168 of 2017 to amend the prayer in IA.No.55 of 2015. The said application application has been allowed. The objection of the revision petitioner can be decided only at the time of the deciding of the application in IA.No.55 of 2015. Therefore, the order of the court below is sustained and there is no warrant to interfere with the order passed by the court below.

6. The Civil Revision Petition is dismissed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

सत्यमेव जयते

16.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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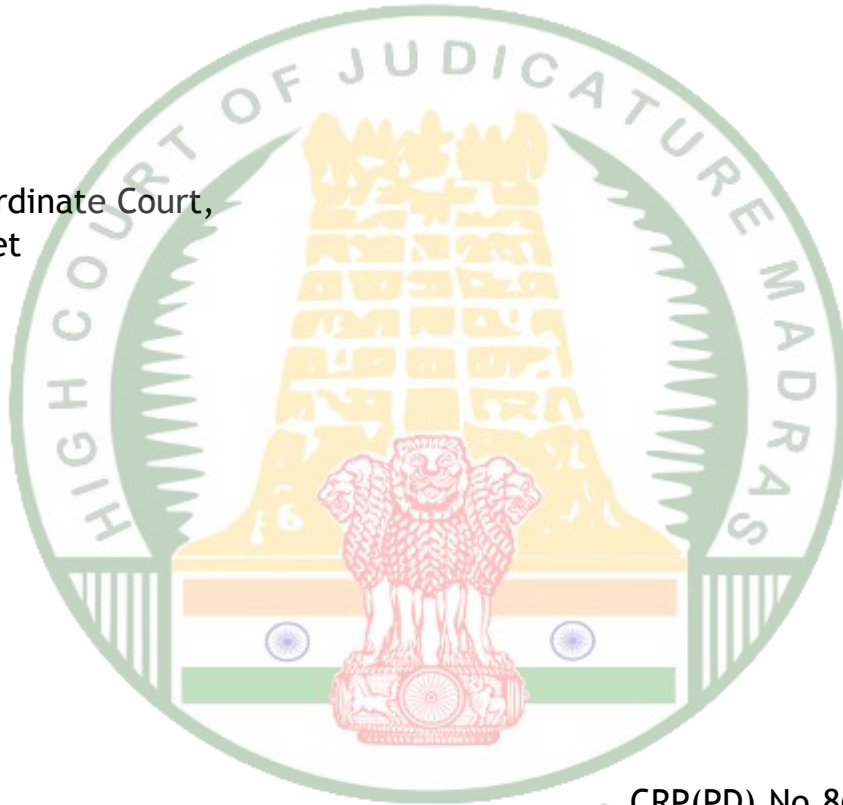
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D. KRISHNAKUMAR J.,

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To

The Subordinate Court,
Udumalpet



सत्यमेव जयते

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