

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

C O R A M

THE HON'BLE MR.JUSTICE M.S.RAMESH

C.R.P.[PD] No.2667 of 2018
and
CMP.No.15883 of 2018

1.Vedanayaki
2.Murugesan
3.Palanivel
4.S.Rajalakshmi

... Petitioners

Vs

1.Venkatraman
2.Navaneetham Ammal
3.Ganesan

... Respondents

Common Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.03.2018 made in I.A.No.302 of 2017 in O.S.No.347 of 2015 on the file of the Sub-court, Mannargudi.

For Petitioners : Mr.M.S.Krishnan
Senior Counsel

For Respondents : Mr.N.Chinnaraj

ORDER

The petitioners herein are defendants 2 to 5 who had filed an application in I.A.No.302 of 2017 under Order 26 Rule 10 A Civil Procedure

Code seeking for reference of the document dated 16.02.2018 to the Forensic Expert. The said application came to be rejected on the ground that the said document has no relevance to the cause of action and the relief sought for in the present suit. As against the rejection order, the present revision has been filed.

2. The learned Senior Counsel appearing for the petitioners submitted that inasmuch as the respondents herein are willing to have the documents marked by their own witnesses, the observations made in paragraphs 12 to 14 of order dated 13.03.2018 in I.A.No.302 of 2013 on the petitioners' application filed under Order 26 Rule 10 A Civil Procedure Code may not be warranted. Nevertheless, he would submit that the respondents may be permitted to mark documents through their own witnesses.

3. As such, the respondents herein may not have any objection to the same, since the relief is sought only to send the document for forensic analysis. In view of the aforesaid submissions made, both the parties may not have any grievance. Since the disputed document is now mutually agreed to be sent for forensic analysis, the observations made for rejecting such a request made by the petitioners herein may not be warranted.

4. As such, in the light of the submission of the learned Senior

Counsel appearing for the petitioner, the order dated 13.03.2018 made in I.A.No.302 of 2017 is set aside. Consequently, the petitioner herein is permitted to file an appropriate application seeking for referring the document to forensic expert and on such application being filed, the respondents herein are at liberty to raise their objections to the said application, if any.

5. The observations made in the order dated 13.03.2018 made in I.A.No.302 of 2017 in paragraphs 12 to 14 shall stand absolved.

6. The Civil Revision Petition is ordered accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

20.11.2018

dh

Index : Yes/No

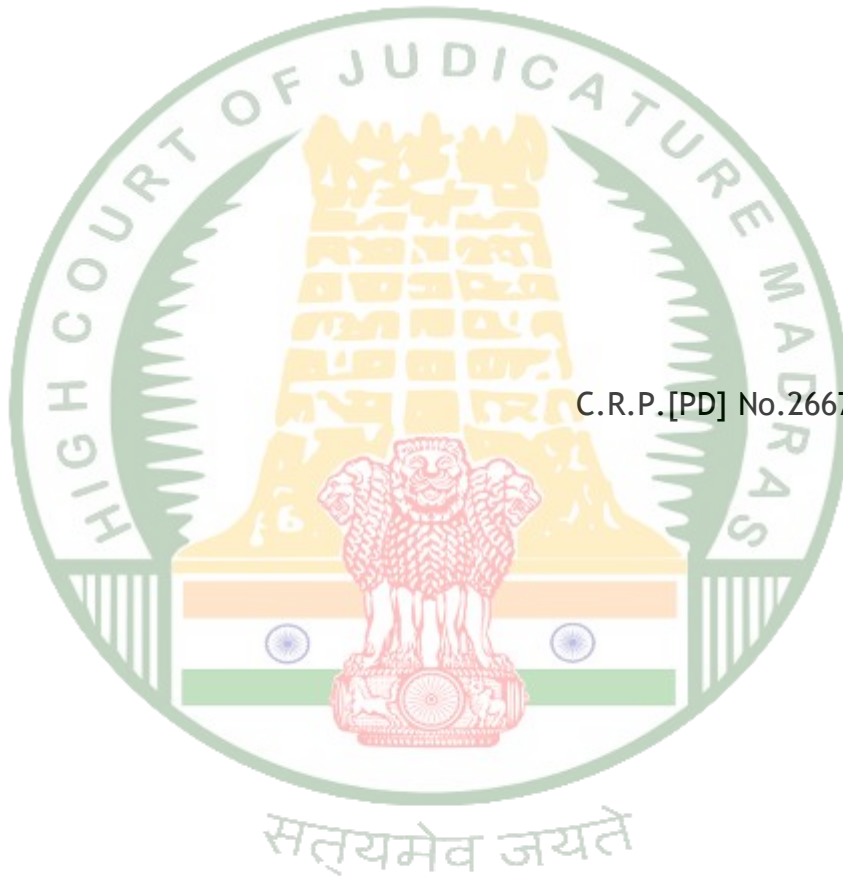
Internet : Yes/No

To

The Sub-court,
Mannargudi.

M.S.RAMESH, J.

dh



C.R.P.[PD] No.2667 of 2018

WEB COPY

20.11.2018