

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4444 of 2013
and M.P.No.1 of 2013

1.Kaliaperumal
2.Kannadasan

... Petitioners

Vs.

Likmishanth

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 10.07.2013 passed in I.A.No.76 of 2013 in O.S.No.6 of 2010 on the file of the Subordinate Court, Mannargudi.

For Petitioners : Mr. A. Ilango

For Respondent : Mr.Srinath Sridevan

ORDER

The petitioners filed the present Civil Revision Petition challenging the fair and decretal order dated 10.07.2013 made in I.A.No.76 of 2013 in O.S.No.6 of 2010 on the file of the Subordinate Court, Mannargudi.

2. Heard the learned counsel for the petitioners as well as the respondent and perused the materials available on record.

3. The petitioners are the defendants and respondent is plaintiff in O.S.No.6 of 2010 on the file of the Subordinate Court, Mannargudi. The respondent filed said suit for specific performance of agreement of sale and if the petitioners failed to execute the sale deed, the Court may execute the sale deed or in alternative, direct the petitioners to pay a sum of Rs.2,45,000/-, which was paid by the respondent as a sale consideration, along with interest at the rate of 12% per annum. The petitioners filed written statement in the year 2010 and are contesting the suit. Pending suit, the petitioners filed I.A.No.76 of 2013 to mark the document No.12/opinion of the handwriting expert filed along with the proof affidavit and submitted that to prove the case of the petitioners that signature in the agreement of sale is not that of their signature, it is necessary to mark the said document. According to the petitioners, the opinion of handwriting expert is Court document and cannot be marked by the petitioners. The respondent filed counter affidavit and opposed the said application and contended that the said document can be marked only through handwriting expert, who

gave the opinion. The learned Judge dismissed the application holding that the document sought to be marked is the opinion of the handwriting expert and the same can be marked only through the handwriting expert, so that the respondent will have an opportunity to cross-examine him. Even if the document is on the file, the same has to be marked through the person, who gave such opinion. So that the respondent can cross-examine the said expert. The reasoning of the learned Judge for dismissing the application on the ground that only if handwriting expert is examined to mark the report, the respondent will have an opportunity to cross-examine the handwriting expert, is a valid reason and there is no irregularity or illegality warranting interference by this Court with the order of the learned Judge dated 10.07.2013.

4. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

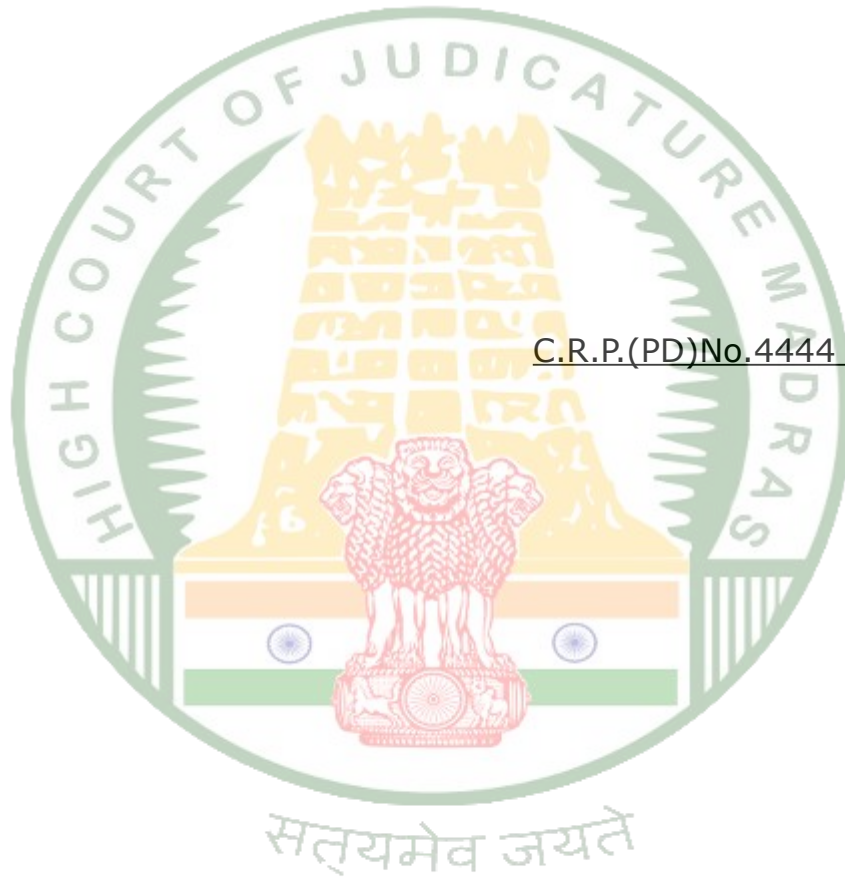
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25.01.2018

Index:Yes/No
kj
To
The Subordinate Judge
Mannargudi.

V.M.VELUMANI,J.

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