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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD)No.163 of 2018

and

C.M.P. (MD)No.730 of 2018

1.Mrs.Mary Dhavamani

2.Mr.John Joseph ... Revision Petitioners/Respondents/Plaintiffs
/Vs./

1.Mr.Michael Rajan

2.S.M.Perianayagam ... Respondents/Petitioners/Defendants

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.128 of 2017 in O.S.No.45 of 2017 dated 09.11.2017 on the file of the Principal Subordinate Judge, Dindigul.

For Petitioners : Ms.S.Vijayashanthi

For Respondents : Mr.D.Venkatesh

ORDER

O.S.No.45 of 2017 was filed by the revision petitioners herein seeking the relief of declaration and permanent injunction. The respondents herein filed written statement questioning the genuineness of the signature attributed to them in the release deed dated 27.03.1988. Thereafter, the respondent herein filed I.A.No.128 of 2017 for referring the said documents for expert opinion. The Court below by order dated 09.11.2017 allowed the same. The said order is challenged in this civil revision petition at the instance of the plaintiffs.

2. In this case, the revision petitioners filed the suit in question and they placed reliance on certain documents. The execution of the said document is denied by the respondents herein. In that event, the burden is entirely on the plaintiffs. Therefore, it is for the plaintiffs to discharge the burden cast on them in the manner known to law. Hence, allowing of the application filed by the respondents to send the signature for expert opinion is not really warranted. The order impugned in this civil revision petition is set aside. This civil revision petition is allowed.

3. Since the suit is of the year 2017, 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. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/



To

The Principal Subordinate Judge,
Dindigul.

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+1CC to Mr.D.Venkatesh, Advocate, SR.No.90066

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SM

ES/SKN/RSK/SAR 2/29.11.2018/2P/3C