



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .No.1274 of 2018

and

C.M.P. (MD) Nos.5365 and 6545 of 2018

Syed Ibrahim

... Petitioner

Vs.

Ramani Ammal

... Respondent

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed by the Hon'ble District Munsiff Court, Muthukulathur in I.A.No.121 of 2018 in O.S.No.16 of 2017 dated 10.04.2018.

For petitioner

: Mr.Lakshmi Gopinathan

for M/s. Polax Legal Solutions

For Respondent

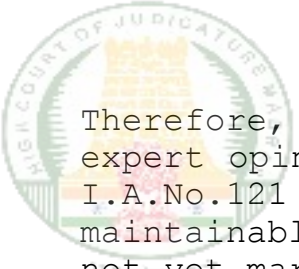
: Mr.K.R.Laxman

O R D E R

The respondent in this Civil Revision Petition is one Ramaniammal. She filed O.S.No.16 of 2017, against the revision petitioner, seeking the relief of permanent injunction. In the said suit, the revision petitioner took out I.A.No.121 of 2018 for referring the unregistered mortgage deed dated 10.04.2015, said to have been executed by the respondent, in favour of the revision petitioner, for opinion of handwriting expert. Such an application was taken out because during the examination of the plaintiff, she was confronted with the said documents and the plaintiff / respondent herein denied, having executed the same. Such a denial on the part of the plaintiff, necessitated filing of I.A.No.121 of 2018. The trial Court, however by the impugned order dated 10.04.2018, dismissed the said I.A. Assailing the same, this Civil Revision Petition has been filed.

2. Heard the learned counsel for the revision petitioner, who reiterated the grounds set out in the memo of grounds.

3. However, I am of the view that this Civil Revision Petition will have to be dismissed by accepting the contention of the learned counsel for the respondent that the question of sending an unmarked document for expert opinion will not arise. It is admitted that the document in question was not yet marked.



Therefore, the refusal of the trial Court to send the same for expert opinion is sustained for this reason. This Court holds that I.A.No.121 of 2018 in O.S.No.16 of 2017 was clearly not maintainable, as it was pre-mature and the document in question was not yet marked.

4. Accordingly, this Civil Revision Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

District Munsiff,
Muthukulathur.

+1CC TO M/S. POLAX LEGAL SOLUTIONS IN SR.NO.77701.

PNN

DS KAK SAR-2;18.09.2018; 2P/3C

ORDER MADE IN
C.R.P. (PD) (MD) .No.1274 of 2018
and
C.M.P. (MD) Nos.5365 and 6545 of 2018
07.08.2018