



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHANC.R.P.(PD) (MD) No.1342 of 2018
and C.M.P.(MD) No.5775 of 2018

Vasudevan ...Petitioner/Petitioner/Plaintiff

-Vs-

Alagarsamy ... Respondent/Respondent/Defendant

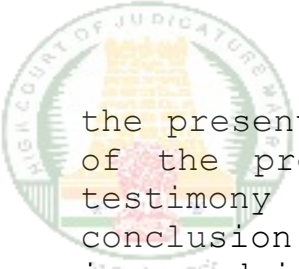
Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09.04.2018 made in I.A.No.242 of 2017 in O.S.No.157 of 2010 on the file of the Principal District Court, Virudhunagar District at Srivilliputhur.

For Petitioner	: Mr.Y.Prakash
For Respondent	: No appearance

O R D E R

The plaintiff in O.S..No.157 of 2010 on the file of the Principal District Court, Virudhunagar at Srivilliputhur is the revision petitioner herein. It is a suit for money. The said suit was laid on the strength of pro-note said to have been executed by the defendant. In the suit, pro-note has been signed in the capital letters. The defendant denied the execution of the same. Therefore, the matter was sent for forensic opinion. The report of the forensic expert has been received. The expert has given his report that he is unable to confirm as to whether the disputed signature is that of the defendant or not. Therefore, the petitioner herein has filed one more Interlocutory Application for sending the document to the forensic lab at Chennai. The court below by the impugned order has dismissed the said Interlocutory Application. Questioning the same, this Civil Revision Petition has been filed.

2. This Court permits the revision petitioner to examine the expert, who gave the report in question, as a witness. The expert shall be cross-examined by the counsel for the plaintiff. If on a consideration of the testimony of the expert, the court below comes to the conclusion that the expert has not filed his report in a professional and proper manner, then, the court shall allow



the present Interlocutory Application and in other words, allowing of the present Interlocutory Application would depend upon the testimony of the expert. If the court below comes to the conclusion that the expert done his job properly, the order impugned in this Civil Revision will stand.

3. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected C.M.P. (MD) No. 5775 of 2018 is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Principal District Judge,
Virudhunagar District at Srivilliputhur.

+ 1 CC TO Mr. Y. PRAKASH, ADVOCATE IN SR No. 89465

CM
TE/PM/SAR-4 : 31/10/2018 : 2P/3C

C.R.P. (PD) (MD) No. 1342 of 2018
and C.M.P. (MD) No. 5775 of 2018
05.10.2018