



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) (PD) No. 1854 of 2018

and

C.M.P. (MD) No. 8122 of 2018

V.Vivekanandan ...Petitioner / Petitioner / 1st Plaintiff

/Vs./

Gurusamy ...Respondent / Respondent / Defendant

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.08.2017 passed in I.A.No.757 of 2016 in O.S.No.62 of 2009 on the file of the Sub-Court, Srivilliputhur.

For Petitioner : Mr.M.P.Senthil
for M/s.D.Rajkumar

ORDER

The first plaintiff in O.S.No.62 of 2009 on the file of the Sub Court, Srivilliputtur is the revision petitioner herein. It is a suit for declaration of plaintiffs' title over the suit property and for consequential injunction. In the said suit, the petitioner filed I.A.No.757 of 2016 for referring the sale deed dated 01.07.2005 for forensic opinion. The said Interlocutory Application was dismissed by Order dated 04.08.2017. The said order is questioned in this civil revision petition.

2. Heard the learned counsel for the revision petitioner.

3. The Court below has observed that the very same document was already sent for opinion to the hand-writing expert in a criminal case and that since the said report is very much available, the same can be relied upon in the present proceedings also. In this view of the matter, I.A.No.757 of 2016 filed by the revision petitioner herein came to be dismissed.

4. This Court is of the view that the order of the Court below does not call for any interference. Therefore, this civil revision petition is liable to be dismissed.

5. The learned counsel appearing for the revision petitioner contends that he had taken out such an application only to avoid



possible objection from other side that the report obtained in connection with the criminal case cannot be relied upon in a civil proceedings.

6. Such objection cannot be later raised by the respondent herein for the simple reason that he is a party to the present Interlocutory Application and the impugned order was passed after hearing both sides. Therefore, the order in question binds the petitioner herein as much as the respondent also.

7. With these observations, the civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-I)

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To

- 1.The Sub-Court,
Srivilliputhur
- 2.The Record Keeper, (2 COPIES)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.RajKumar, Advocate in SR No.81992

C.R.P. (MD) (PD)No.1854 of 2018

NM/PM/SAR 1/10.10.18/2P/5C