



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD) .Nos.2091 and 2092 of 2018

and

C.M.P. (MD) No.9253 of 2018

1.C.Srinivasan

2.P.S.Chandrasekararaja

... Petitioners in both CRPs

Vs.

1.N.P.M.Krishnan

2.N.S.R.Realtors Ltd.,

through its Power of Attorney

S.Renganathan

3.Vinoth Diwari

... Respondents in both CRPs

PRAYER in C.R.P.(PD)(MD).No.2091 of 2018: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.185 of 2018 in O.S.No.126 of 2015 on the file of the Additional District Munsif Court, Nanguneri dated 21.08.2018 and allow this Civil Revision Petition.

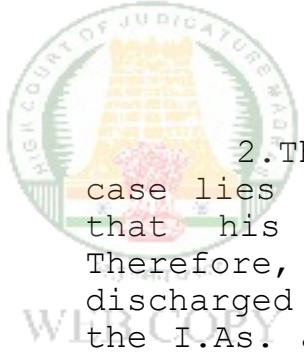
PRAYER in C.R.P.(PD)(MD).No.2092 of 2018: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.374 of 2018 in O.S.No.126 of 2015 on the file of the Additional District Munsif Court, Nanguneri dated 21.08.2018 and allow this Civil Revision Petition.

For petitioner : Mr.T.Selvan

(in both CRPs)

COMMON ORDER

The defendants 1 and 2 in O.S.No.126 of 2015 on the file of the Additional District Munsif, Nanguneri, are the revision petitioners herein. The suit is for getting a declaration that certain documents are null and void. The documents have been executed on the strength of the power deed attributed to the plaintiff. According to the plaintiff, he did not execute the said power deed. Therefore, the plaintiff filed I.A.Nos.185 and 374 of 2018 for referring the disputed signature and thumb impression for expert opinion. The Court below by order dated 21.08.2018 allowed the said orders are questioned in these two Civil Revision Petitions.



2.This Court is of the view that the burden to establish his case lies squarely on the plaintiff. The case of the plaintiff is that his signature and thumb impression have been forged. Therefore, in the very nature of things, this burden can be discharged only by getting expert opinion. That is why he took out the I.As. and the same were also allowed. The order passed by the Court below cannot said to be incorrect by any standard and no case is made out to interfere.

3.Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To:
The Additional District Munsif,
Nanguneri.

Copy to
The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. 2 COPIES

- 1 CC TO Mr.T.Selvan , ADVOCATE IN SR No.86475.
- PNN
- DS SV SAR3 25 10 2018 2P 5C

ORDER MADE IN
C.R.P. (PD) (MD) .Nos.2091 and
2092 of 2018
and
C.M.P. (MD) No.9253 of 2018

25.09.2018