

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.614 of 2018

ORDER:

Aggrieved by the second return made by the trial Court on an application under Section 45 of the Indian Evidence Act, 1872, the defendants in a suit for specific performance has come up with the above revision.

2. Heard Mr. Narasimha Rao Gudiseva, learned counsel for the revision petitioners.

3. The petition filed by the revision petitioners for sending the suit agreement of sale for examination by the Handwriting Expert, was returned once on 19-12-2017 and has been returned for a second time on 09-01-2018. Repeated returns, on the very same ground, is not a healthy sign. Rather the merits of the application itself can be decided, by numbering the application and after hearing both parties.

4. Therefore, the Civil Revision Petition is disposed of directing the petitioners to represent the papers in the interlocutory application and further directing the trial Court to number the application and decide the same after hearing both parties in accordance with law.

5. The Registry shall return the original interlocutory application to the petitioners to enable them to represent it before the Court below.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 02-02-2018

Ksn