

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.333 of 2016
&
C.M.P.No.1772 of 2016

N.Dhanasekaran

...Petitioner

Vs

1.Tmt.M.Jayanthi

2.S.Munirathinam

3.M.Dinakarbabu

4.M.Thilakavathi

5.M.Aruna

6.M.Surya

... Respondents

(Respondents 2 to 6 Brought on record as legal representatives of the deceased sole respondent vide Court order dated 29.10.2018 made in C.M.P.Nos.19447 to 19448 of 2018 in C.R.P(PD).No.333 of 2016)

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and decretal order dated 07.12.2015 made in I.A.No.32 of 2015 in O.S.No.82 of 2009 on the file of the Subordinate Judge, Tiruvallur.

For Petitioner : Mr.M.S.Subramanian

For Respondent 1 : Died

For Respondents 2 to 6 : Mr.M.Thirumalai

ORDER

The above Civil Revision Petitioner is filed challenging the order passed by the Subordinate Judge, Thiruvallur dismissing the application filed by the revision petitioner herein who is the defendant in the suit. The impugned application is filed for sending the disputed signature of the revision petitioner in agreement dated 19.12.2002 for comparison with the signature found in Power of Attorney dated 27.06.2007 and to obtain

opinion from the expert.

2.This application was dismissed by the learned Subordinate Judge, Thiruvallur, on the ground that;

- a)The application was belated, and;
- b)The document was not contemporaneous.

3.When the matter is posted today for arguments the learned counsel for the revision petitioner would submit that after the dismissal of the application the revision petitioner had taken out an application in I.A.No.95 of 2016 to have the disputed signature in Ex.A.1 compared with the service register of the defendant who is working with Tamil Nadu State Transport Corporation (Villupuram) as well as the loan file which relating to the loan obtained by the defendant from Tamil Nadu Government Transport Corporation (VK – III) – Employees Co-operative Savings and Credit Sangam. The learned counsel for the respondent has no objection to the document being compared

with the documents listed in I.A.No.95 of 2016.

4. Therefore in the interest of Justice this Court feels that the Civil Revision Petition may be allowed and the order in I.A.No.32 of 2015 is set aside. The learned Subordinate Judge is directed to send the signature in Ex.A.1 compared with the signature of the defendant in the documents filed along with I.A.No.95 of 2016, which are as follows:

"1. Service Register of N.Dhanasekaran Staff No.60686 Tamil Nadu State Transport Corporation (Villupuram), Kancheepuram Division Office at The General Manager, Tamil Nadu Government Transport Corporation (Villupuram) Ltd., Kancheepuram Division, Chennai to Bangalore High Road, Kavarapettai Post, Kancheepuram, Pin – 631 552.

2. Loan File (Loan No.536 – N.Dhanasekaran (Ledger No.3) – Conductor retires Staff No.60686 GK 294 – The Secretary, Tamil Nadu Government (VK – III) – Employees Co - Operative Savings and Credit Sangam No.17 – A, Mandangeeswarar Koil

Street, near C.S.I. Hospital, Kancheepuram, Pin – 631 501.”

The said exercise shall be completed within a period of one month from the date of receipt of a copy of the order. The Civil Revision Petition is allowed on the above lines. There shall be no order as to costs. Consequently, connected Civil Miscellaneous petition is also closed.

08.03.2019

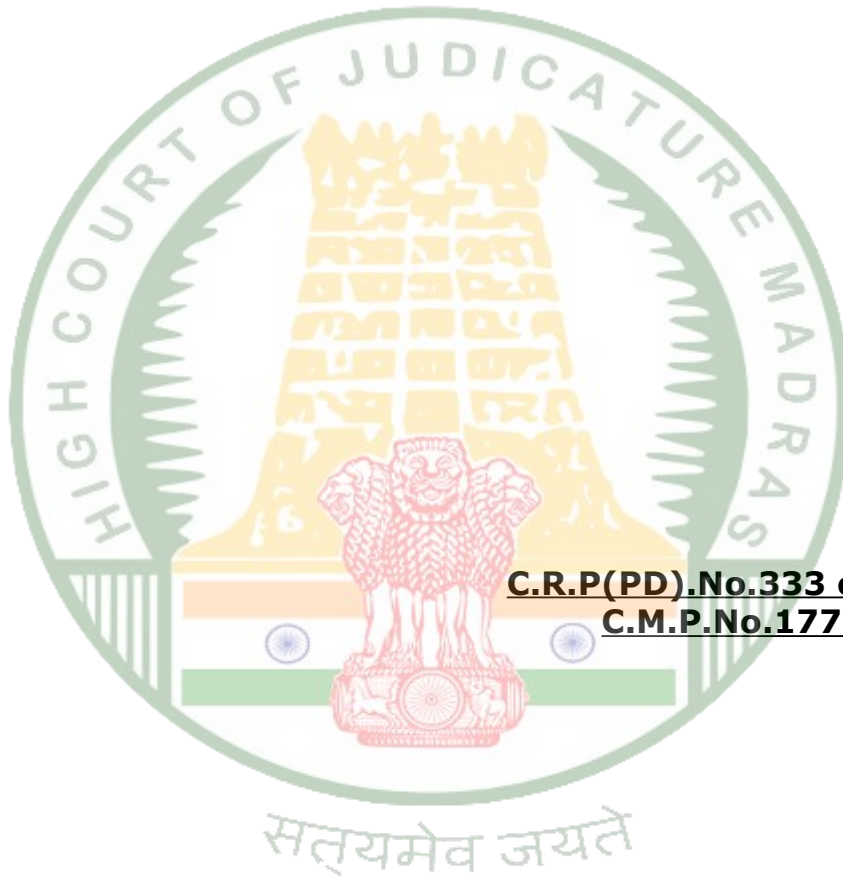
kan
Index : Yes/No
Speaking order/non-speaking order

To,
The Subordinate Judge,
Tiruvallur.

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P.T.ASHA, J.,

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