

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD).Nos. 2470 & 2471 of 2018

and

C.M.P.Nos.7516 & 7517 of 2018

V.Sekar

..Petitioner/Defendant
in both CRPs

Vs

Ravi

..Respondent/Plaintiff
in both CRPs

This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 29.06.2018 made in I.A.Nos.457 & 458 of 2017 in O.S.No. 60 of 2012, on the file of the learned Additional Sub Court, Chengalpattu.

For Petitioner
in both CRPs : Mr.R.Vinothraja

For Respondent
in both CRPs : Mr.A.Umasankar

ORDER

CRP.No.2470 of 2018 is filed challenging the order passed in I.A.No. 457 of 2017, which was an application filed to reopen petitioner side evidence and CRP.No. 2471 of 2018 is filed challenging the order in I.A.No. 458 of 2017, which is an application to get the disputed signatures of defendant found as V.Sekar below

the payment endorsement dated 15.10.2010 to be compared with the other admitted signatures of defendant found as V.Sekar at the bottom of pages 1,2 and 3 of Sale Agreement dated 25.12.2017 (Ex.A1), scientifically by an Handwriting Expert; to obtain his expert opinion in a sealed cover. The applications had been filed at the time when the matter was listed for the evidence, the said applications were moved, after the plaintiff had filed applications to reopen and recall PW3 to examine and cross-examine.

2 Facts in brief are necessary for disposing of the above Civil Revision Petition are as follows:

The plaintiff had filed a suit for specific performance and had also contend that on 15.10.2010, the revision petitioner/defendant had made an endorsement extending the period of the agreement. The revision petitioner/defendant had executed the agreement of sale in favour of the respondent/plaintiff on 25.12.2007, in respect of the suit properties, he however contended that signatures that have been found in the endorsement are forged and fabricated one. To prove the same, when the plaintiff have moved the application before this Court for reopening and recalling the evidence of PW3, who is a witness for the endorsement, the revision petitioner has come forward with the present cases.

3 Considering the fact that the entire suit hinges on the validity of the endorsement made, it would be in the interest of justice, to allow two applications so as to give a chance to the defendants to substantiate their defence.

4 In the result, these Civil Revision Petitions stands allowed and the orders passed in I.A.Nos.457 & 458 of 2017 in O.S.No.60 of 2012, by the learned Additional Sub Court, Chengalpattu, dated 29.06.2018 is set aside. The learned Judge shall appoint an Advocate Commissioner within a period of ten days from the date of receipt of a copy of this order or production of the same. No costs. Consequently, connected miscellaneous petitions are also closed.

08.04.2019

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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

To

The Additional Sub Court,
Chengalpattu.

P.T.ASHA, J.

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