

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM :

THE HON'BLE Ms. JUSTICE P.T.ASHA

C.R.P. (NPD) No.275 of 2017

and

C.M.P. No.1213 of 2017

1.K.Sankar
2.D.Sundar

... Revision Petitioners

Vs.

1.Denzil Fernandez
2.Jude Fernandez
3.The Commissioner,
Tambaram Municipality,
Tambaram,
Chennai – 600 045.

4.Jothikumar

... Respondents

सत्यमेव जयते

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the order and decretal order in unnumbered I.A.SR.No.10952 of 2016 in A.S.No.21 of 2011 dated 06.10.2016 on the file of the Subordinate Court, Tambaram, and allow the above Civil Revision Petition.

For Petitioners : Mr.C.S.Selvaraj
for M/s.C.S.Associates

ORDER

The above Civil Revision Petition has been filed, challenging the order passed by the learned Subordinate Judge, Tambaram, in an unnumbered Interlocutory Application in A.S.No.21 of 2011, seeking leave to send two documents, which were not marked as evidence in the suit, to forensic department for verification and comparison of signature and thumb impression.

2.It is seen from the order of the learned Subordinate Judge, Tambaram, that, earlier, a similar application had been moved and the same had been rejected on 31.03.2016 and the present impugned application has once again been moved for the very same reason. The similar application was dismissed on the ground that the signature in the affidavit filed in support of the application was different and also that the application has not been moved before the trial Court.

3.No reason has been given in the affidavit filed in support of the application, as to why, a similar step had not been taken, when the matter was pending before the trial Court. The affidavit filed, except stating that the said documents were traced only at a later point of time, contains no other details. Hence, I find no infirmity in the order passed by the learned Subordinate Judge, Tambaram, in the unnumbered Interlocutory Application,

viz., I.A.SR.No.10952 of 2016 in A.S.No.21 of 2011.

4.In the result, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

28.02.2019

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Index : Yes / No

Internet : Yes / No

Speaking order / Nonspeaking order

To

The Subordinate Judge,
Tambaram.



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P.T.ASHA, J.

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