



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

C.R.P. (NPD) (MD) .No.1380 of 2011
and M.P. (MD) .No.1 of 2011

1.M/s.Jessee Traders
through its Proprietor
Thiru I.Francis

2.I.Francis

.. Petitioners/Petitioners/
Defendants 1 & 2

Vs.

M/s.S.M.Thomayar and Sons
through its Proprietor
T.Ravel

.. Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 23.03.2011 passed in memo in I.A.No.108 of 2009 in O.S.No.65 of 2008 on the file of Additional District Judge, Fast Track Court No.I, Thoothukudi.

For Petitioners : Mr.M.Saravanan
For Respondent : Mr.C.Dhanaseelan

ORDER

This civil revision petition is directed against the order passed in the memo filed by the Advocate Commissioner.

2.The revision petitioners are defendants in the suit in O.S.No.65 of 2008 on the file of the Additional District Court, Fast Track Court I, Tuticorin. The suit is for recovery of sum of Rs.22,98,666.50 with subsequent interest on the principal and for costs. The suit was contested by the defendant. During the pendency of the suit, an application was filed to send certain documents to the Forensic Department for comparing the alleged signature found in the document relied upon by the plaintiff with that of the petitioner's specimen signature. Though the petition was ordered on merits, the Advocate Commissioner found that one of the document was not handed over to the Hand writing expert, and hence filed a memo to that effect. Since the revision petitioner did not come forward to bear the expenses, the memo was closed.



3.The learned counsel appearing for the revision petitioner now states that the suit itself is dismissed and that therefore, this petition become infructuous.

4.Having regard to the subsequent development that the suit in O.S.No.65 of 2008 is already dismissed, there is no necessity to get expert opinion.

5.Hence, this civil revision petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Additional District and Sessions Judge,
Fast Tract Court I, Thoothukudi.

Copy to: The Section Officer,
E.R/V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+1 CC to Mr.R.SUBRAMANIAN, Advocate SR-81046.

C.R.P. (NPD) (MD) .No.1380 of 2011

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