



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30..01..2020
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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.328 of 2020
and
C.M.P.No.1669 of 2020

J.Ramraj

... Petitioner

-Versus-

1.G.Baskar
2.J.Kasthuri
3.G.Damodaran
4.Mrs.Chandra
5.P.J.Ramya
6.Smt.Suseela

... Respondents

Petition filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order dated 03.12.2019 in I.A.No.1 of 2019 in O.S.No.7229 of 2011 by the learned VI Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.A.D.Janarthanan

ORDER

This civil revision petition is directed against the order passed by the learned VI Additional Judge, City Civil Court, Chennai, dismissing the application filed by the petitioner under XXVI, Rule 10(A) of CPC r/w section 47 of The Evidence Act seeking to forward the deed of power of attorney dated and a sale receipt dated 25.02.2020 which were marked as Ex.B.4 and B.10 respectively with the admitted signature contained in Ex.B.1 - plaint in O.S.No.9010 of 2006 and Vakalath filed by the plaintiff therein for comparison and opinion.

2. The petitioner herein filed a suit against the respondents for partition and separate possession. During trial, the defendants 5 and 6 filed documents viz., a deed of power of attorney (Ex.B.4) said to have been executed by the mother of the petitioner one Jayalakshmi and a sale receipt (Ex.B.10) said to have been issued by the mother of the petitioner. Alleging that both the documents were not genuine and forged by



defendants 5 and 6, the petitioner filed the application under revision for forwarding the documents containing the disputed signatures for comparison with that of the admitted signatures in the plaint filed by the petitioner's mother and the vakalath filed on her behalf in the earlier suit. The court below dismissed the application holding that the disputed signatures were of the year 2000 whereas the documents containing the admitted signatures were not contemporaneous documents as they were of the year 2006. Challenging the above said order, the present revision has been filed.

3. This civil revision petition is coming up today for admission. I have heard the learned counsel for the petitioner and also perused the records carefully.

4. The petitioner wanted to send for the disputed documents Ex.B4-Power of Attorney and Ex.B.10 - Sale Receipt said to have been executed by the mother of the petitioner for comparison of the signatures found therein with that of the admitted signature of the year 2006 which are plaint and vakalath in O.S.No.9010 of 2006 by an handing expert and for opinion. According to the petitioner, earlier, ex parte decree was passed, however, the same was subsequently, set aside and the suit has been restored to its file and the suit has been pending. Further, according to the petitioner Ex.B.4 and Ex.B.10 are forged by the petitioners and the mother of the petitioner had never executed any power of attorney or sale receipt. Therefore, he wanted to forward those documents for expert opinion. The court below dismissed the application on the ground that the admitted signatures were not of the contemporaneous period and they came to be in existence only six years after the execution of the disputed documents and therefore, disputed signature cannot be directed to be compared with that of the same. It is the settled law that unless the admitted signatures were of the contemporaneous period, the same cannot be forward for comparison. On going through the entire materials available on record, this court does not find any infirmity in the order passed by the court below refusing to forward the disputed documents for comparison of the signatures found therein with the admitted signature. Therefore, the revision petition fails and the same deserves only to be dismissed.



In the result, this civil revision petition is dismissed and the order passed by the court below is confirmed. No costs. Consequently, connected CMP is closed.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

To

1.The VI Additional Judge,
City Civil Court, Chennai.

+1 cc to M/s.A.D.Janarthanan Advocate sr7122

C.R.P.No.328 of 2020

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