

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD) No.4405 of 2014

and

M.P.1 of 2014

1.S.Devika
2.Geetha
3.S.Chitra
4.K.Latha

...Petitioners

..Vs..

Syndicate Bank,
Main Branch, Oppanakara Street,
Coimbatore-1, represented by its
Chief Manager/Authorized Officer

C.N.Padmanabhan (Dead)
[cause title accepted vide order of
Court dated 11.11.2014 made in
M.P.No.1 of 2014 in C.R.P.SR.No.
32755 of 2014]

...Respondents

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India, against the order of the 1st Additional District Munsif Court, Coimbatore made in I.A.No.444/2010 in O.S.No.880/2009 dated 30.07.2013.

For Petitioner :Mr.L.Chandrakumar
For Mr.C.Selvaraj

For Respondent :No appearance

ORDER

The plaintiff in the suit is the petitioner herein is the Revision Petitioner herein.

2.The petitioner filed a suit for declaring the Registered Power of Attorney deed dated Nil and registered on 21.01.2002 in the office of the Registrar of Assurance at Coimbatore as Document No.71 of 2002 and marked as Ex.A11 in the pending O.A.278 of 2004 on the file of the Debt Recovery Tribunal, Coimbatore, the deed is a forged and abinitio void document and for other reliefs.

3. Pending suit, he filed I.A.444 of 2010 under Order Rule 74 of C.P.C to send for the original Registered Power of Attorney deed dated Nil and registered on 21.01.2002 in the office of the Registrar of Assurance at Coimbatore as Document No.71 of 2002 and marked as Ex.A11 in the pending O.A.No.278/2004 on the file of the Debt Recovery Tribunal, Coimbatore.

4. The respondent/plaintiff filed a counter statement alleging that the Debt Recovery Tribunal,Coimbatore, has already passed an order sending the original Power of Attorney Deed to City Crime Branch by its

order dated 04.07.2001 and hence, the request cannot be complied with.

5. It appears that the trial Court has taken a view as to why the petitioner has not asked the similar relief to send for the document to the Forensic Expert before the Trial Court.

6. The suit is filed for declaration declaring the original General Power of Attorney registered in the office of the Registrar of Assurance, Coimbatore, as detailed above, as null and void, since the same is obtained by impersonation by some person and using the said Power of Attorney and in collusion with the Bank officials viz., defendant's Bank officials, they had created as if some loan has been taken and subsequently filed O.A for recovery before the Debt Recovery Tribunal at Coimbatore and therefore, he filed the present suit to declare the document as null and void. Since he has not executed the sale. To prove the same, he has filed the above application to send for the original now pending before the DRT.

7. To declare a document as a forged document, the same has to be sent from the other statutory authority and they forwarded to the Forensic Department to get handwriting Expert opinion on the same and

hence, I find the order passed in I.A.No.444 of 2010 us misconceived and misdirected himself.

8. The learned counsel for the petitioner would submit that the DRT has already referred the matter to the Forensic Expert and the Forensic Expert for the thumb impression as stated the signature. The thumb impression found on the document does not tally with thumb impression of the plaintiff. Since the report is not before me, I am not expressing any opinion except to say that during the time of trial, the trial Court shall call for the report of the Forensic Expert (finger print section) i.e., available with DRT for proper adjudication in the suit.

9. In the result, this Civil Revision Petition is allowed and I.A.No.444 of 2010 is also allowed. The trial Court is directed to complete the trial within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected M.P is closed.

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Index:Yes/No

Speaking Order:Yes/No

To

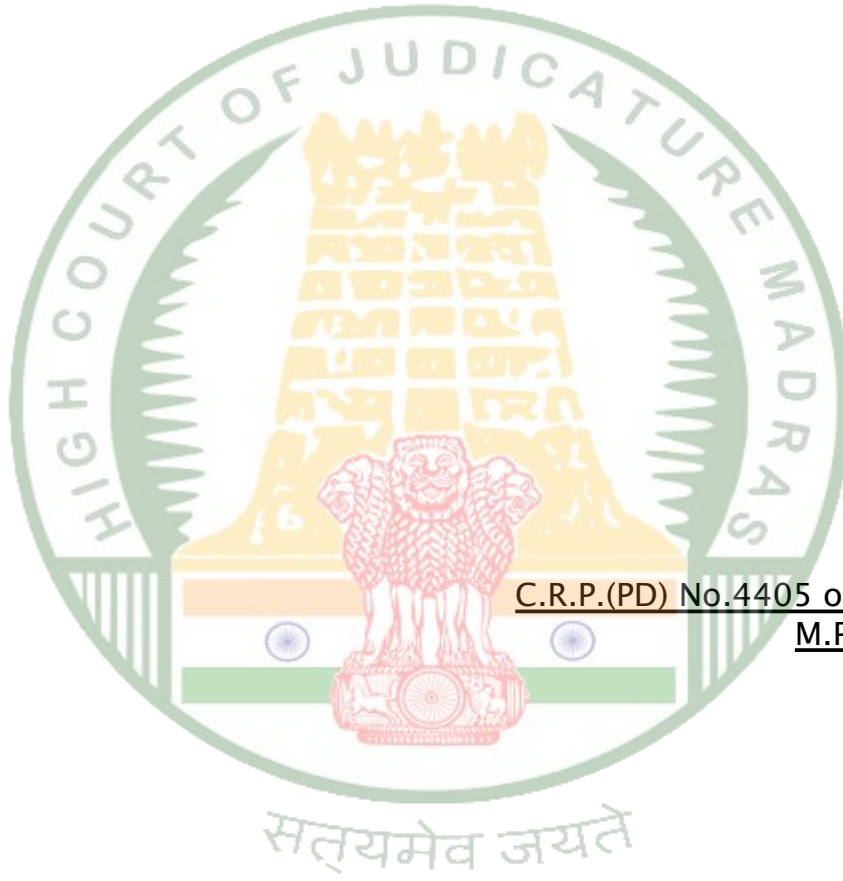
The First Additional District Munsif Court, Coimbatore



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RMT.TEEKAA RAMAN,J.,

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C.R.P.(PD) No.4405 of 2014 and
M.P.1 of 2014

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