

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

**C.R.P(PD).No.2419 of 2019
and
CMP.No.15830 of 2019**

Mr. Chandrakanth ... Petitioner

Vs.

Mr. N.Murugesan ... Respondent

PRAYER : Civil Revision Petition filed under article 227 of the Constitution of India to set-aside the fair and decreetal order dated 09.07.2019 passed in I.A.No.1 of 2019 in O.S.No.8543 of 2011 on the file of the VI Additional City Civil Judge, Chennai and allow the I.A.No.1 of 2019.

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For Petitioner : Mrs. G.S. Dhanalakshmi

ORDER

This Civil Revision Petition has been filed against the order dismissing the petitioner's application to set-aside the order dated 18.06.2019 by marking the expert opinion report as Court document.

2. The petitioner/plaintiff filed a suit in O.S.No.8543 of 2011 on the file of the VI Additional City Civil Court, Chennai for specific performance based on a sale agreement dated 12.08.2010. In the above suit, the defendant disputed the execution of the sale agreement and also filed an application to compare the signature found in the sale agreement. Pursuant to the same, the agreement has been sent to Handwriting Expert and the Expert opinion was also received by the Court and the same has been marked as Court Document (i.e. Ex.C.1) on 18.06.2019. Thereafter, the petitioner has filed an application to set aside the order dated 18.06.2019 and that application was

dismissed by the Court below. Now, challenging the same, the present revision has been filed.

3. The learned counsel for the petitioner would submit that while marking the document as Court document, the petitioner has lost his right to cross examine the expert. Since the document has been sent for Expert Opinion on the application filed by the defendant, the document should necessarily be marked as defendant document enabling the petitioner to cross examine the expert.

4. I have considered the submission made by the learned counsel for the petitioner and also perused the materials available on records carefully.

5. A perusal of the order passed by the Court below, it could be seen that the Court below has clearly stated that by marking the document as a Court document, both the parties are

at liberty to call the expert for clarification and if the petitioner wants to clarify anything from the expert, he can do so by calling him as a Court witness and clarify his doubts. In the above circumstances, the apprehension of the petitioner is totally misconceived and the petitioner has been given a right to get a clarification from the expert. Hence, I find no infirmity in the order passed by the Court below and also I find no merit in the revision.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

06.01.2020

Index:Yes/No

Internet:Yes

Speaking/Non-speaking order
mrp

To

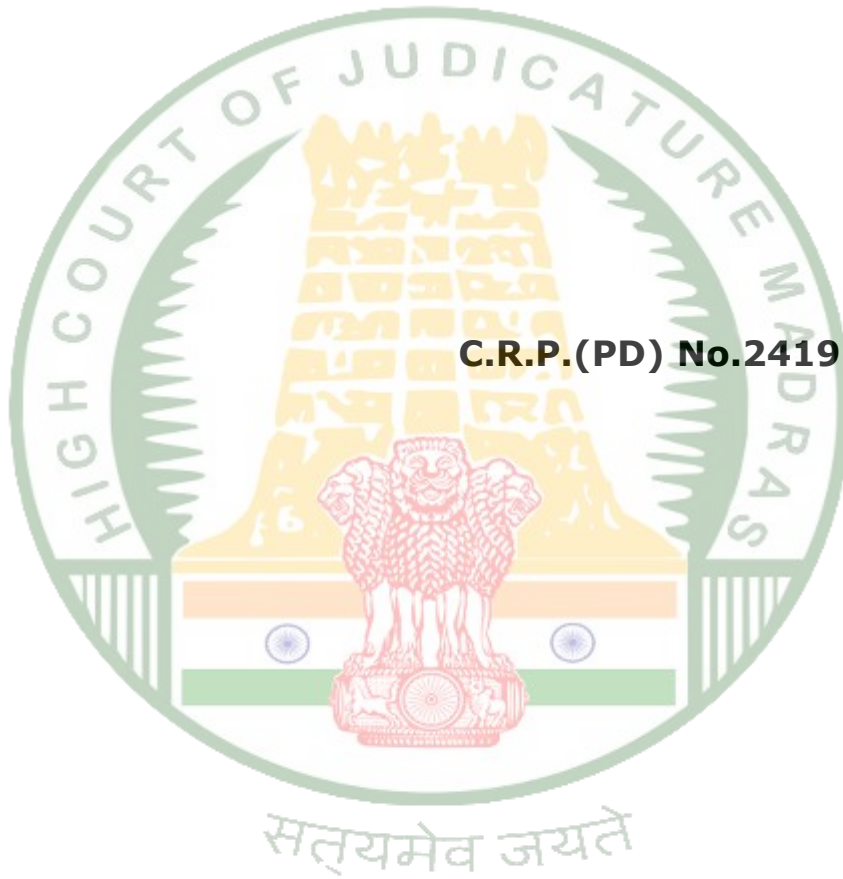
The VI Additional City Civil Court,
Chennai.

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V.BHARATHIDASAN, J

mrp



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