



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P. (MD)No.1041 of 2020

and

C.M.P. (MD)No.6645 of 2020

1.Ganesan
2.Arumugam

... Petitioners/Petitioners/Defendants

-Vs-

Murugesan

... Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order dated 01.11.2019 passed in I.A.No.1 of 2019 in O.S.No.276 of 2018 on the file of the Additional Subordinate Court, Tirunelveli.

For Petitioners : Mr.T.Thirumurugan

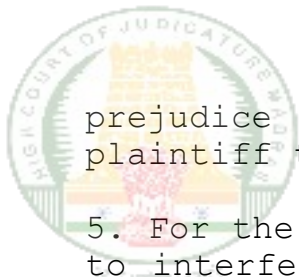
O R D E R

The revision petitioners are the defendants in O.S.No.276 of 2018. The suit is laid for specific enforcement of a contract alleged to have been executed by the revision petitioners.

2. The revision petitioners dispute that the sale agreement, on which cause of action for the suit is founded, is a rank forgery. It appears that the trial of the suit has commenced and the revision petitioners have filed I.A.No.1 of 2019 before the trial Court to compare their impugned signatures in the sale agreement in question with their admitted signatures in their vakalat and pleadings in the suit.

3. The trial Court dismissed the same on the ground that the vakalat and the pleadings of the revision petitioners are atleast three years after the date of the sale agreement involved in the suit and not contemporaneous with the sale agreement. The trial Court felt that no useful purpose will be served by ordering an expert be appointed. Challenging the same, the revision petitioners/defendants have approached this Court.

4. Be that as it may, it is clear that when once the defendants dispute genuineness of their signatures in a sale agreement on which the plaintiff rests his cause of action, burden is on the plaintiff to prove that the signatures in the sale agreement is genuine. The attempt of the revision petitioners is to undertake the burden which law has cast on the plaintiff. By the dismissal of I.A.No.1 of 2019, the revision petitioners will not suffer any disadvantage or



prejudice during trial, since the burden continues to be with the plaintiff to prove that the suit sale agreement is genuine.

5. For the reasons stated above, this Court does not find any reason to interfere with the order of the trial Court. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Additional Subordinate Court, Tirunelveli.

2.The Section Officer, (2Copies)

V.R Section,

Madurai Bench of Madras High Court,

Madurai.

+1CC to Mr.T.Thirumurugan SR.No.25625 dated 15.12.2020

C.R.P. (MD) No.1041 of 2020

14.12.2020

SJ(CO)

KB(04.01.2021) 2P 5C