

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD).No.3391 of 2015
and M.P.No.1 of 2015

D.Babusait Petitioner

Vijaya Respondent
Vs.

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 11.06.2015 made in I.A.No.628 of 2014 in O.S.No.59 of 2014 on the file of the III Additional District Judge, Salem.

For Petitioner : Ms.Nandhini
For Mr.R.Subramanian

For Respondent : Ms.Zeenath Begum

ORDER

This Civil Revision Petition is directed as against the fair and decretal order dated 11.06.2015 passed by the learned III Additional District Judge, Salem, in I.A.No.628 of 2014 in O.S.No.59 of 2014, thereby allowing the petition to send the documents in Ex.A.1 and Ex.A.2 for hand

writing experts opinion.

2. The petitioner is the plaintiff. He filed suit as against the respondent for recovery of money on the strength of the debt deed executed by the respondent herein in favour of the petitioner herein on 31.12.2013. The respondent filed written statement with specific stand that on the false complaint lodged by the petitioner, the respondent's husband had been taken to the Chevapet Police Station and he was asked to give original title deed dated 19.12.2013. In the police station, the respondent was threatened to sign some papers. It is also stated that the petitioner obtained signature of the respondent in a one hundred rupees stamp paper and three green sheets which had already got typed matter and that too was done by the petitioner in the presence of the police.

3. In fact, the respondent also caused notice to the petitioner on 24.02.2014, wherein she categorically stated that the petitioner obtained the signature of the respondent in front of the police in one hundred rupees stamp papers and three green sheets and all the documents were already typed. While being so, after filing the proof affidavit of P.W.1 and marked the said debt deed as Ex.A.1 and the sale deed dated 19.12.2013 as Ex.A.2,

the respondent came forward with the petition to appoint an Advocate Commissioner to check the signature in the Ex.A.1 and Ex.A.2 and to get hand writing experts opinion after comparing the same with the admitted signature.

4. On perusal of the written statement filed by the respondent, it is seen that the respondent admitted her signature in the Ex.A.1 and she categorically stated that the petitioner forcibly obtained her signature in the typed one hundred rupees stamp paper and three green sheets. It is also confirmed in the legal notice dated 24.02.2014, sent by her to the petitioner. She cannot disprove the same by sending the documents for expert opinion. That apart, after examining P.W.1 in chief, the respondent filed this petition only to drag the proceedings and escape from the clutches of law. Without considering the above facts, the Court below mechanically allowed the petition and appointed the Advocate Commissioner. Therefore the order passed by the Court below is perverse and liable to be set aside.

5. Accordingly, the order dated 11.06.2015 passed by the learned III Additional District Judge, Salem, in I.A.No.628 of 2014 in O.S.No.59 of 2014 is hereby set aside. The trial Court is directed to complete the trial

within a period of six months from the date of receipt of copy of this order.

6. With the above directions, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.02.2021

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order

rts



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To

1. The III Additional District Judge,
Salem.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

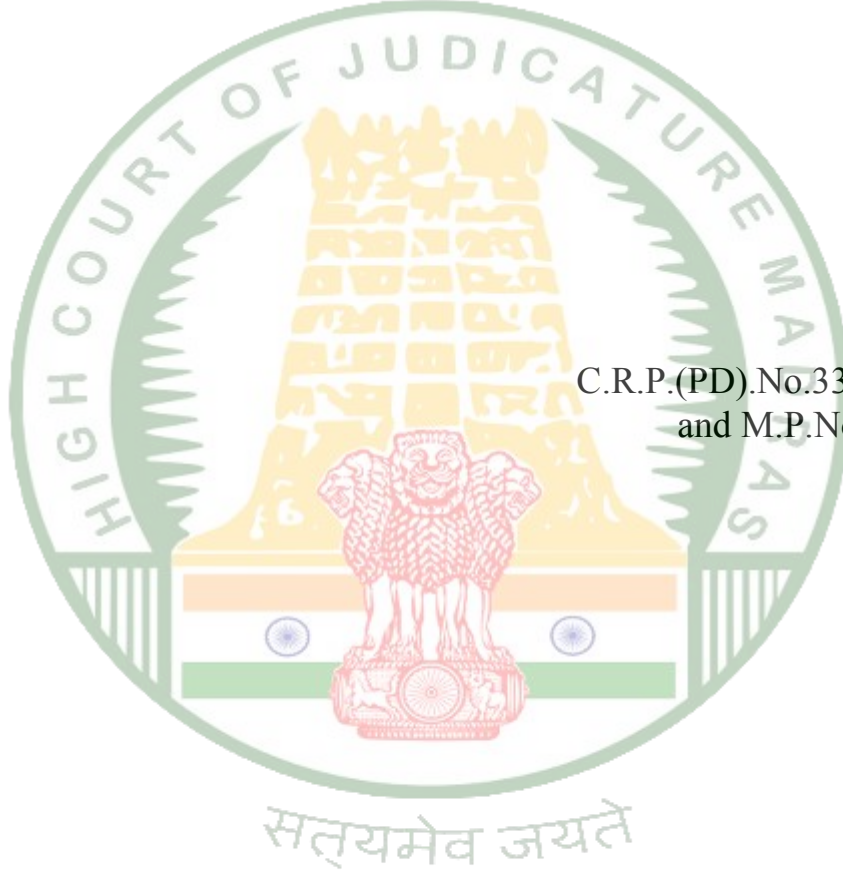


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G.K.ILANTHIRAIYAN, J.

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and M.P.No.1 of 2015

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