

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD).No.1804 of 2016
and
Cmp.No.9408 of 2016

Rajendran

... Petitioner

Versus

Indian Bank,
Rep.by its Branch Manager,
Mamandoor Branch, Mamandoor,
Vembakkam Taluk,
Tiruvannamalai District.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders dated 06.02.2016 passed in I.A.No.466 of 2015 in O.S.No.25 of 2012 on the file of the Sub Court, Cheyyar.

For Petitioner : Mr.P.Mani

For Respondent : No Appearance
(notice served)

ORDER

This Civil Revision Petition is directed as against the fair and decreetal order dated 06.02.2016 passed in I.A.No.466 of 2015 in O.S.No.25 of 2012 on the file of the Sub Court, Cheyyar thereby, dismissing the petition filed to send the document Nos.1,2,4 & 5 for handwriting expert opinion.

2.The petitioner is the third defendant in the suit filed by the respondent herein, for recovery of money. On receipt of the summons, the petitioner also filed a written statement. After three years from the date of filing the written statement, the petitioner filed the petition in I.A.No.466 of 2015 in O.S.No.25 of 2012 under Section 76 of the Indian Evidence Act, for sending the above said documents for expert opinion.

3.Though notice was served to the respondent and the name is also printed in the cause list, none appeared on behalf the respondent either in person or through counsel.

4.On perusal of the written statement filed by the petitioner/third defendant, it was specifically stated that the first defendant is already died and her signature had been forged by the respondent to file the suit. When the petitioner specifically raised the plea that the first defendant's signature was forged, it can be sent to hand writing expert opinion for verifying the signature with the admitted documents.

5.In view of the above observations, the order passed by the Court below is set aside and the Civil Revision Petition is allowed. This Court directs the Court below to send the documents for hand writing expert opinion and on receipt of the report, the Trial Court shall dispose of the suit, within a period of three months from the date of receipt of the expert opinion. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

klt

To
The Subordinate Judge, Cheyyar.

+1 cc to Mr.P.Mani, Advocate Sr No.18688

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PM(CO)
RG.23.04.2021 (2P/3C)

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