

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

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

CRP (PD) No.2295 of 2018
and
CMP No.14347 of 2018

1. P.J.Thanigaivel
2. N.Shankar
3. U.Gunasekaran

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Petitioners

Vs

V.Mohammed Rahamathullah (Died)

1. A. Yasmin Bhanu
2. V. Mohamed Imranulla
3. V. Mohamed Yasir
4. V. Mohamed Shuaib
5. V. Hazeer Bhanu

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Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 30.01.2018 made in I.A.No.777 of 2017 in O.S.No.244 of 2010 on the file of the Subordinate Judge, Ranipet.

For Petitioners

: Mr.P.Paramasiva Doss

For R1

: No appearance

For R2 to R5

: Mr.R.Siddharth

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 30.01.2018 made in I.A.No.777 of 2017 in O.S.No.244 of 2010 on the file of the Subordinate Judge, Ranipet, thereby dismissing the petition to send the documents for expert opinion.

2. The revision petitioners are the defendants and the respondents are the plaintiffs. The respondents filed a suit in O.S.No.244 of 2010 for specific performance on the strength of the agreement for sale dated 08.09.2008. The petitioners entered into an agreement for sale for a total sale consideration of Rs.50,35,800/- (Rupees Fifty Lakh Thirty Five Thousand and Eight Hundred only) in which a sum of Rs.10,00,000/- (Rupees Ten Lakh only) was received on the date of agreement as advance.

3. Whereas, the petitioners filed a written statement immediately alleging that the first and second petitioners received a sum of Rs.5,00,000/- (Rupees Five Lakh only) on the date of agreement for sale and signed the same. Insofar as the third petitioner is concerned and

requested the respondents to pay the balance sale amount of Rs.5,00,000/- (Rupees Five Lakh only) to the third respondent herein, who is residing at Chennai and get the signature of the third petitioner herein. Therefore, the case of the petitioners is that a sum of Rs.5,00,000/- (Rupees Five Lakh only) only they received and respondents forged the signatures of the petitioners herein and filed the suit. Thereafter, the trial commenced. When the suit was posted for defendant side witness, the petitioners filed a petition to send the suit sale agreement to Forensic Lab to compare the disputed signature found in the registered sale deed with the admitted signature. The present petition has been filed after seven years that too, when the suit was posted for defendants side witness. When the petitioners have taken specific stand that the third petitioner did not sign in the agreement for sale, they ought to have file a petition to compare the disputed signature found in the registered sale deed with the admitted signature immediately. Therefore, the petitioners had filed a petition only to drag on the suit proceedings.

4. Therefore, the Court below rightly dismissed the petition and

this Court finds no infirmity or illegality in the order passed by the Court below. The Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

No costs.

28.06.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

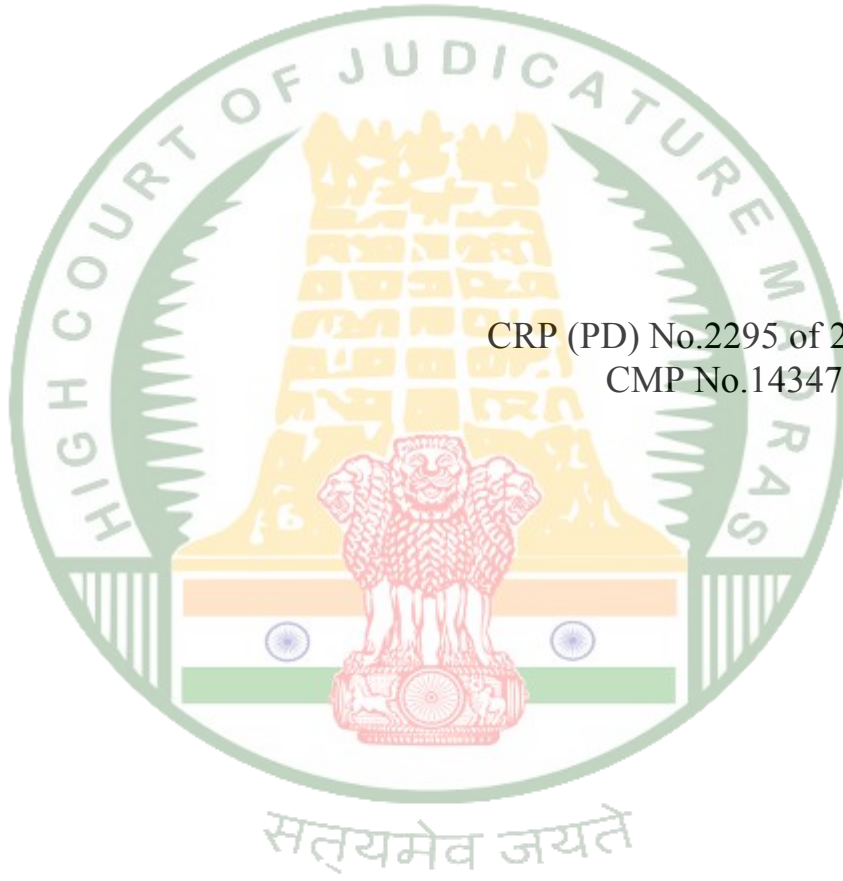
The Subordinate Judge,
Ranipet.



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G.K.ILANTHIRAIYAN,J.

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