

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

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

CRP.(PD).No. 3918 of 2016

and

C.M.P.No. 19985 of 2016

Prema

... Petitioner

Vs.

Ambikapathy

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 07.10.2016 made in I.A.No.667 of 2015 in O.S.No.28 of 2015 on the file of the District Munsif, Mannarkudi.

For Petitioner : Mr.S.Balasubramanian

For Respondent : Mr.M.Shiva Prakash
for Ms.P.T.Ramadevi

ORDER

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 07.10.2016 made in I.A.No.667 of 2015 in O.S.No.28 of 2015 on the file of the learned District Munsif, Mannarkudi.

2. The petitioner is the defendant. The respondent is the plaintiff. The respondent filed a suit in O.S.No.28 of 2015 for specific performance on the strength of the agreement for sale dated 18.05.2005. The petitioner filed a written statement and specifically denied the agreement for sale dated 18.05.2005.

3. According to the petitioner, it was fabricated one and forged signature and filed a suit. Immediately, she took application to send the alleged agreement for sale dated 18.05.2005 to handwriting expert for comparison the signature with other documents. The petitioner also produce the sale deeds dated 10.02.1993, 05.07.1996 and 12.06.2002. He failed to produce the original sale deed dated 12.06.2002.

4. The Court below dismissed the petition only on the ground that the documents produced by the petitioner dated 10.02.1993 and 05.07.1996 cannot be compared with the document dated 18.05.2005. The only document can be compared with sale deed dated 12.06.2002 is also xerox copy. The petitioner has failed to produce the same and as such dismissed.

5. Learned counsel for the petitioner would submit that the original sale deed dated 12.06.2002 can be produced by him before the court below and it can be compared with the alleged agreement for sale dated 18.05.2005.

6. Considering the above submission, the orders passed by the Trial Court is liable to be set aside and accordingly, the Civil Revision Petition is allowed. However, the petitioner is directed to produce the original sale deed dated 12.06.2002 and on receipt of the same, the Trial Court is directed to send the same with the original agreement for sale dated 18.05.2005 to the hand expert for getting report. No costs. Consequently, the connected civil miscellaneous petition is closed.

09.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

dm

To

The District Munsif,
Mannarkudi.

G.K.ILANTHIRAIYAN,J.

dm



CRP.(PD).No. 3918 of 2016

WEB COPY

09.02.2021