

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM

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

C.R.P. (PD) Nos. 1005 & 1006 of 2017
and CMP. No.4897 of 2017

1.Chandra
2.Chandrasekaran
3.Gnansekaran
4.Valarmathi @ Gnanmbal
5.Velayutham
6.Neela @ Anjalai

... Petitioners in both CRPs

Vs

Gajendiran

... Respondent in both CRPs

Common Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decree dated 03.02.2017 made in I.A.Nos.105 & 106 of 2017 in O.S.No.98 of 2008 passed by the Additional Subordinate Judge, Puducherry.

For Petitioners : Mr.R.Thiagarajan (in both CRPs)
For Respondent : Mr.P.Veeraraghavan (in both CRPs)

COMMON ORDER

The CRP (PD) No.1005 of 2017 is filed against the fair and decretal order dated 03.02.2017 made in I.A.No.105 of 2017 in O.S.No.98

of 2008 passed by the Additional Subordinate Judge, Puducherry, thereby dismissing the petition to re-open the suit..

The CRP (PD) No.1006 of 2017 is filed against the fair and decreetal order dated 03.02.2017 made in I.A.No.106 of 2017 in O.S.No.98 of 2008 passed by the Additional Subordinate Judge, Puducherry, thereby dismissing the petition to send the signature for expert opinion.

2. In both CRPs, the petitioners are the defendants and the respondent is the plaintiff. The respondent filed a suit for partition. After closing the evidence on both sides, the petitioners filed a petition to re-open the suit and send the signature in Ex.B3 for hand writing expert opinion. When the respondent is denied Ex.B3, the petitioners ought to have proved the same in the manner known law. Therefore, the signature found in Ex.B3 necessarily has to send for furnishing expert's opinion.

3. A perusal of the records revealed that the petitioners side evidence was closed on 21.01.2013 and thereafter, the suit was posted for arguments. At that juncture, the petitioners filed a petition for the same prayer in I.A.No.41 of 2013. Pending the said application, the first defendant in the suit died and thereafter it was not pressed and dismissed as

withdrawn. Again the suit was posted for argument on 21.12.2016. The petitioners filed the present petition for re-opening the suit and sending the signature in Ex.B3 for expert opinion.

4. That apart, a perusal of Ex.B3 including Ex.B2, it appears that they are unregistered documents and inadmissible in evidence. Therefore, no evidentially value given to both the documents. The fact found in the trial that the petitioners are only dragging the proceedings. Therefore, the Trial Court has rightly dismissed the petition. This Court finds no illegality or infirmity in the order passed by the Court below. Hence, the Civil Revision Petitions are dismissed. The Trial Court is directed to dispose of the suit, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

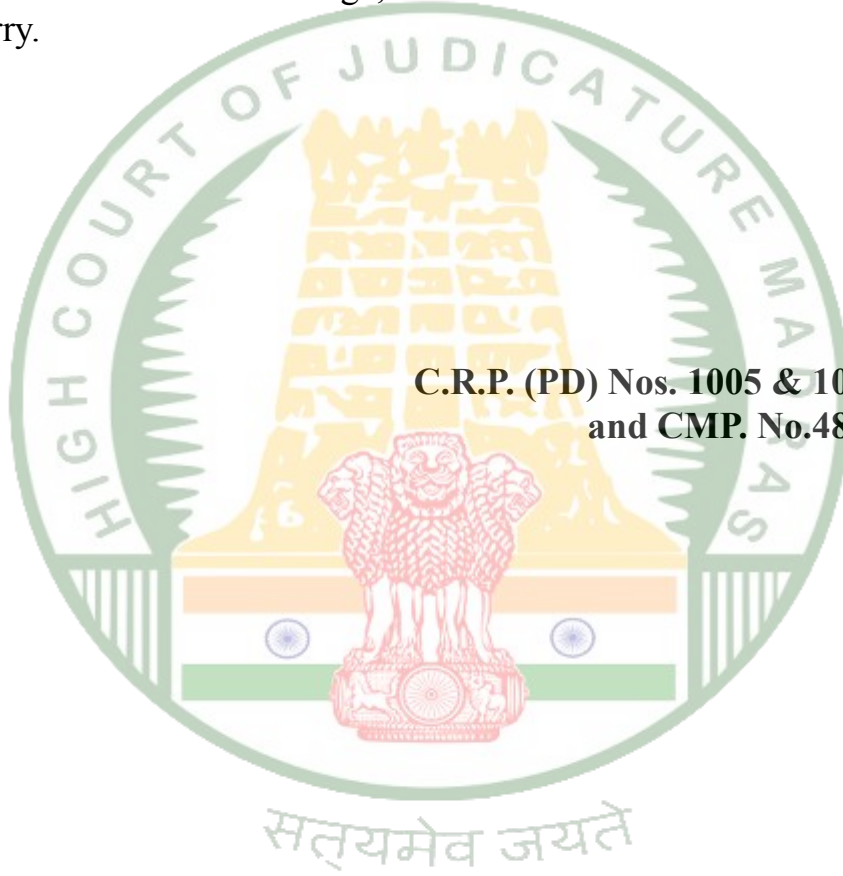
C.R.P. (PD) Nos.1005 & 1006 of 2017

G.K.ILANTHIRAIYAN.J,

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To

The Additional Subordinate Judge,
Puducherry.



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