

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2021

CORAM

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

CRP.PD.No.2260 of 2017

P.Ponnusamy

..Petitioner

Vs.

G.Govindaraj

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the final order dated 24.04.2017 in IA.No.85 of 2017 in OS.No.55 of 2015 on the file of the II Additional District Court, Erode.

For Petitioner : Mr.A.Sivaji

For Respondent : Mr.R.Selvakumar

ORDER

This civil revision petition is filed against the final order dated 24.04.2017 passed in IA.No.85 of 2017 in OS.No.55 of 2015 on the file of the II Additional District Court, Erode thereby allowing the petition for expert opinion in respect of disputed signatures of T.Arunachalam.

2. The petitioner is the defendant and the respondent is the plaintiff. The respondent filed suit for declaration and permanent injunction in respect of the suit properties. He also prayed for declaration declaring that T.Arunachalam son of Thammanna Gonnder, father of the second plaintiff and the husband of the third plaintiff as civilly death. While pending the suit, the respondent filed petition for seeking expert opinion in respect of the signature of the said T.Arunachalam. According to the respondent herein, he claims to have purchased the suit property from the second and third plaintiffs in the suit and the petitioner is a stranger to the suit property. Whereas, the claim of the petitioner is that he already filed suit for specific performance against the said Arunachalam on the basis of the sale agreement dated 15.12.1997. The said Arunachalam did not contest the suit and ex parte decree was passed. On the strength of the decree, the court has executed valid sale deed in his favour on behalf of the said Arunachalam.

3. In this background, the respondent filed petition to send for the sale agreement and other documents with the admitted signature of the said Arunachalam for comparison by handwriting expert. Therefore, no prejudice would be caused if the document sent to handwriting expert opinion for comparison. As such, the court below

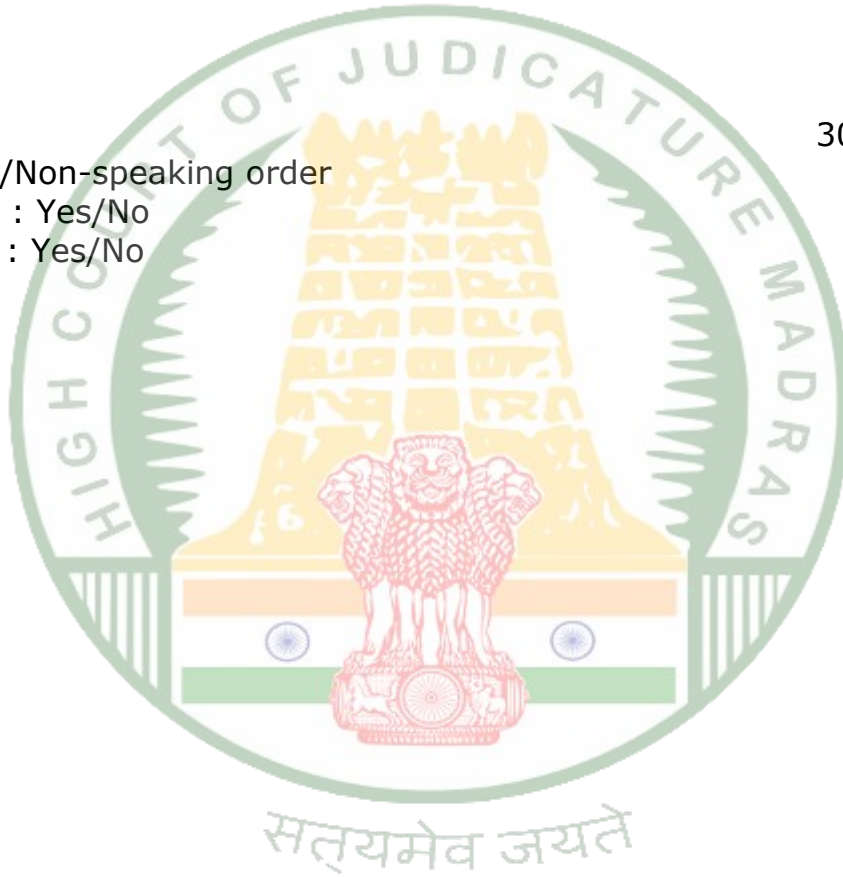
rightly allowed the petition and this Court finds no irregularity or infirmity in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed.

No order as to costs.

30.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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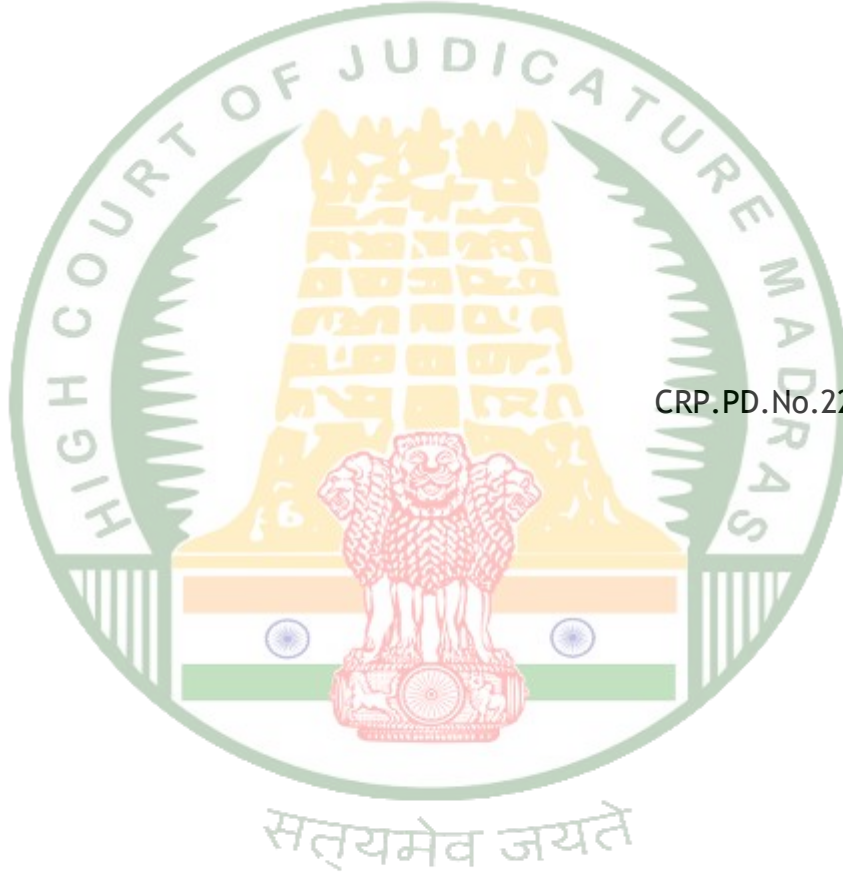
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G.K.ILANTHIRAIYAN,J.

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To

The II Additional District Judge,
Erode.



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