



WEB COPY



CRP.No.996 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.996 of 2019
and CMP.No.6607 of 2019

S.Ramesh

... Petitioner

Vs.

M.Karthikeyan

... Respondent

PRAYER:

Civil Revision petition is filed under Article 227 of the Constitution of India to allow the above revision and to set aside the fair and decretal order dated 21.08.2018 passed in IA.No.1446 of 2016 in OS.No.944 of 2011 on the file of the III Additional District Munsif, Coimbatore.

For Petitioner : Mr.P.Mathivanan

For Respondent : Mr.I.Abrar Md. Abdullah

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 21.08.2018 passed in IA.No.1446 of 2016 in OS.No.944



CRP.No.996 of 2019

of 2011 on the file of the III Additional District Munsif, Coimbatore, thereby dismissed the petition seeking appointment of advocate commissioner.

2. The petitioner is the defendant in the suit filed by the respondent for permanent injunction restraining the petitioner from alienating and encumbering the suit property. According to the respondent, the property to an extent of 91 cents comprised in SF.No.431/1 Kalapatti Village was purchased by the respondent, the petitioner and another jointly by the registered sale deed dated 11.09.2007 vide document No.5613 of 2007. Thereafter on 11.09.2008, the petitioner herein executed agreement for sale and also handed over the possession in respect of his 1/3 share. However, the petitioner denied the same and filed application to appoint an advocate commissioner to send for agreement for sale to get handwriting expert opinion on the agreement for sale.

3. Heard, the learned counsel for the petitioner and the learned counsel for the respondent.

4. The present suit has been filed by the respondent for permanent injunction. Therefore, the respondent has to prove his case. In the said suit, it is



CRP.No.996 of 2019

unnecessary to send for the agreement for sale for comparison of signature.

Therefore, this Court finds no infirmity or illegality in the order passed by the court below.

5. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
lok



WEB COPY



CRP.No.996 of 2019

G.K.ILANTHIRAIYAN, J.

lok

To
The III Additional District Munsif,
Coimbatore

CRP.No.996 of 2019

21.12.2022