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C.R.P.No.3436 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

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

C.R.P.No.3436 of 2016
and C.M.P.No.17453 of 2016

Murugn

.. Petitioner

Vs.

1. Kumar

2. Murugan

3. Sakthivel

4. Siva

5. Minor Velu

5th respondent is represented

by his father 1st respondent

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order dated 21.04.2016 passed by the Principal District Munsif Court, Tiruvannamalai, made in I.A.No.699 of 2014 in O.S.No.383 of 2005.

For Petitioner : Mr.N.Naganathan

For R1, R4 and R5 : Mr.M.Manohar
for Mr.G.Rajan

For R2 and R3 : Notice served

ORDER

This Civil Revision Petition has been filed to set aside the fair and final order dated 21.04.2016 passed by the Principal District Munsif Court,



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Tiruvannamalai, made in I.A.No.699 of 2014 in O.S.No.383 of 2005, thereby dismissing the petition seeking appointment of an Advocate Commissioner.

2. The petitioner is the plaintiff and the respondents are the defendants in the suit filed for declaration and injunction. After a period of nine years, the petitioner filed an application seeking appointment of an Advocate Commissioner to take Ex.A5 for comparison of left thumb impression found in the documents with the admitted documents.

3. Heard Mr.N.Naganathan, learned counsel appearing for the petitioner and Mr.M.Manohar, learned counsel appearing for the respondents 1, 4 and 5.

4. A perusal of the written statement filed by the respondents revealed that they categorically raised a plea that one Anandan had created a forged sale deed dated 17.12.1997. Even then, the petitioner did not take any steps to prove the sale deed as a genuine document through valid oral evidence. After examining the attesor, the petitioner had filed the present petition. In fact, even before that, the petitioner had filed an Interlocutory Application in I.A.No.303 of 2013 to send for documents and the same was closed. Again the petitioner had filed



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another application in I.A.No.126 of 2014 under Section 75 of Cr.P.C to send for documents, when the suit was posted for defendant side evidence. Pending the said application, the petitioner again filed an application in I.A.No.699 of 2014, to appoint an Advocate Commissioner to take the original documents and sale deed which was marked as Ex.A5 for getting finger print expert opinion. Therefore, the petitioner is not interested to complete the Trial and simply wants to drag on the proceedings by filing petition after petition.

5. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed. The Trial Court is directed to dispose of the suit, within a period of three months from the date of receipt of a copy of this order, if not already disposed of.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

mn

To

The Principal District Munsif Court, Tiruvannamalai.

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