



C.R.P.(PD) No.1560 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1560 of 2022
and C.M.P.No.7888 of 2022

1.Chainmull Jain
2.Suraj Bai

... Petitioners

Vs.

B.Shanthilal

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.1 of 2021 in O.S.No.4105 of 2020 on 18.02.2022 by the learned V Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr.C.P.Hemkumar

For M/s.Ganesh & Ganesh

ORDER

This Civil Revision Petition has been filed, challenging the order of the learned V Additional Judge, City Civil Court, Chennai, dated 18.02.2022 in I.A.No.1 of 2021 in O.S.No.4105 of 2020.



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2. The petitioners are the defendants in the suit. The respondent/plaintiff filed an application in I.A No.1 of 2021 to send Ex.A1 for getting the opinion of the handwriting expert and the same was allowed. Aggrieved over that, the petitioners/defendants have preferred this petition.

3. The learned counsel for the petitioners submitted that the handwriting or the entries in Ex.A1 has got nothing to do with the suit and it is totally irrelevant in the absence of any other documents furnished by the plaintiff to support his suit. He further submitted that the trial Judge ought not to have allowed the petition to send the document for getting the opinion of the handwriting expert.

4. On a perusal of Ex.A1, it is seen that it contains certain calculations and some figures. The respondent/plaintiff claims that these handwritings were written by the first revision petitioner and in order to prove the same, he has filed a petition to send Ex.A1 for comparison of handwriting by the handwriting expert and get his opinion. It is needless to state that the report of the handwriting expert is not a conclusive one and the merit of the case would be taken into consideration on the other materials



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and evidence available in the case. So, its appreciation of the trial Judge to consider the opinion of the handwriting expert along with the other materials available during the course of the trial. Hence, sending Ex.A1 for comparison of handwriting will not in any way prejudice the petitioners. In view of the same, I do not find any reason for interference.

5. Accordingly, the Civil Revision Petition is dismissed and the fair and decreetal order passed in I.A.No.1 of 2021 in O.S.No.4105 of 2020 dated 18.02.2022, by the V Additional Judge, City Civil Court, Chennai, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

08.06.2022

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

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To

- 1.The V Additional Judge,
City Civil Court,
Chennai.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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