



C.R.P.No.1961 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM

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

C.R.P.No.1961 of 2019
and
CMP No.12797 of 2019

Gopalakrishnan Petitioner

Vs

1. Ramalingam
2. S.Vijayalakshmi
3. B. Vennila
4. M.Gomathi Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and final order passed in I.A.No.1 of 2017 in O.S.No.124 of 2013 dated 11.02.2019 on the file of the Sub Court, Mannargudi and allow the Civil Revision Petition.

For Petitioner : M/s.P.T.Ramadevi

For R1 : Mr.S.Thiurvenkataswamy

For R2 to R4 : No appearance

ORDER



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This Civil Revision Petition has been filed to set aside the fair and final order dated 11.02.2019 passed in I.A.No.1 of 2017 in O.S.No.124 of 2013 on the file of the Sub Court, Mannargudi, thereby dismissing the petition seeking expert opinion on Ex.D3 dated 30.09.1986.

2. The petitioner filed a suit for partition as against the respondents. Pending suit, the petitioner filed a petition to get an expert opinion by appointing Advocate Commissioner on the ground that the settlement deed, which was marked as Ex.D3, was not executed by his father in favour of the first respondent and his father's signature was forged by the first respondent herein.

3. It is seen from the records, which reveals that after examination of D.W.1, the petitioner filed this petition seeking an expert opinion on the settlement deed executed in favour of the first respondent.

4. A perusal of the written statement filed by the first defendant reveals that the subject property was already settled in his favour by a settlement deed dated 30.09.1986 by his father. In fact the other properties were settled in favour of the plaintiff on 21.11.1986. Thereafter, the first defendant and the plaintiff were sold out their respective shares. Even then,



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the petitioner filed a suit for partition and also failed to sought for an expert opinion immediately after filing the written statement. Only after cross-examination of D.W.1, the petitioner filed this petition seeking an expert opinion on the settlement deed executed in favour of the first respondent. Therefore, the Court below rightly rejected the same.

5. In view of the above, this Court finds no infirmity or illegality in the order dated 11.02.2019 passed in I.A.No.1 of 2017 in O.S.No.124 of 2013 on the file of the Sub Court, Mannargudi. Accordingly, this Civil Revision Petition stands dismissed. The Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

14.12.2022

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
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G.K.ILANTHIRAIYAN, J.



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The Subordinate Judge,
Mannargudi.

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