



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD)No.1626 of 2021

and

C.M.P. (MD)No.8831 of 2021

S.Santha (died)

1.S.Packiyam

2.S.Revathi

3.S.Ilayanila

4.Ilanthendral

... Petitioners/Petitioners/Appellants 2 to 5

-vs-

Govikannan

... Respondent/Respondent/Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India, to set aside the order dated 29.09.2021 in I.A.No.1 of 2020 in A.S.No.39 of 2019 pending on the file of Principal District Court, Theni.

For Petitioners

: Mr.M.A.M.Raja

For Respondent

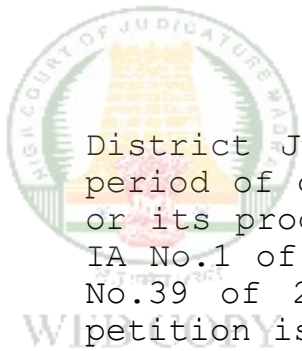
: Mr.R.Suriyanarayanan

ORDER

This civil revision petition is filed challenging the order dated 29.09.2021 passed in IA No.1 of 2020 in A.S. No. 39 of 2019 by the learned Principal District Court, Theni.

2.I.A.No. 1 of 2021 was filed by the revision petitioner for sending the signature in Ex.A1 and A2 for an expert opinion for comparison with the signature with the documents mentioned in the petition. The learned Principal District and Sessions Judge without passing orders in the said application has simply passed the impugned order relegating the enquiry in this petition to be held along with main appeal. In case, the Court were to allow the application, the documents have to be sent to the expert for his opinion and only thereafter an enquiry can be conducted in the main appeal.

3.Therefore, this Civil Revision Petition is allowed. The order dated 29.09.2021 directing an enquiry in the interlocutory application in IA No.1 of 2020 along with the main appeal is set aside and the matter is remitted back to the learned Principal



District Judge, Theni, to pass order in IA No.1 of 2020 within a period of one month from the date of receipt of a copy of the order or its production by either party. Only after orders are passed in IA No.1 of 2020 further proceedings shall go on in the appeal in AS No.39 of 2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

The Principal District Judge,
Theni.

C.R.P. (MD)No.1626 of 2021
and

C.M.P. (MD)No.8831 of 2021
Dated: 25.01.2022

SVS (CO)

KB(14.02.2022) 2P 2C