



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No.2213 of 2017

and

C.M.P. (MD)No.10850 of 2017

S.Venkitaramani

... Petitioner/Petitioner/Defendant

Vs.

S.Renganatchiyar

...Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 07.10.2017 made in I.A.No.96 of 2017 in O.S.No.144 of 2010 on the file of the Subordinate Court, Sivakasi and allow the Civil Revision Petition.

For Petitioner	:Mr.S.Kadarkarai for Mr.P.Tharmaraj Santhosam
For Respondent	:Mr.D.Srinivasaragavan

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the order, dated 07.10.2017 in I.A.No.96 of 2017 in O.S.No.144 of 2010 on the file of the Subordinate Court, Sivakasi.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The defendant has filed a petition in I.A.No.96 of 2017 in O.S. No.144 of 2010 to compare the signature in pro-note, Jabitha dated 24.06.2007 and mortgage deed, dated 27.06.2007. The said petition was allowed by the learned Subordinate Judge, Sivakasi, with direction to compare the signature in the pro-note with the documents including partition deed, dated 04.12.1997. The partition deed was executed before ten years prior to the pro-note. So, it cannot be compared.

4.Accordingly, the Order, dated 07.10.2017 in I.A.No.96 of 2017 in O.S.No.144 of 2010, passed by the learned Subordinate Judge, Sivakasi, is modified and the Advocate Commissioner is directed to produce the pro-note, Jabitha, dated 24.06.2007 and mortgage deed, dated 27.06.2007 before the Forensic Science Laboratory, Madurai, for expert opinion.



5. With the above directions, this Civil Revision Petition is partly allowed. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

The Subordinate Judge,
Sivakasi.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-15181[F] dated 29/03/2022)

+1 CC to M/s.P.THARMARAJ SANTHOSAM, Advocate (SR-15287[F] dated 30/03/2022)

C.R.P. (MD) No.2213 of 2017
29.03.2022

SRK (CO)

KB (26.04.2022) 2P 4C