



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.2324 of 2017 and
CMP(MD).No.11215 of 2017

P. Kesavan

: Petitioner

Vs

T. Karunakaran

: Respondent's

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against to set aside the order passed in I.A.No.105 of 2017 in O.S.No.1177 of 2011 on the file of the II Additional Subordinate Judge, Madurai, dated 02.08.2017.

For petitioner : Mr. C.K.M.Appaji

For respondent : Mr. S. Jayakumar

ORDER

The revision petitioner, who is the plaintiff, has filed this Revision to set aside the order passed in I.A.No.105 of 2017 in O.S.No.1177 of 2011 on the file of the II Additional Subordinate Judge, Madurai, dated 02.08.2017.

2. The said Interlocutory Application was filed by the revision petitioner / plaintiff under Order 26 Rule 10(a) CPC and Section 45 of the Evidence Act to send the document for expert opinion to compare the signature in the sale agreement with the admitted signatures in additional written statement. The trial Court has dismissed the said application on the ground that the petition was filed after a long delay. The written statement was filed on 09.11.2012 stating that there is no right in the suit property to the defendant and that the defendant has also denied the execution of sale agreement. After the lapse of five years the present revision has been filed by the petitioner.

3. Since the suit is of the year 2011, the Court can compare the signature of the defendant in the disputed document with admitted documents and the petitioner also has to examine the



witnesses in the sale agreement and prove the execution of the agreement.

4. Since the said Interlocutory Application has been filed with a long delay, the trial Court has rightly dismissed the I.A.No.105 of 2017. Hence, this Court has no valid reason to interfere with the order passed by the trial Court, dated 02.08.2017.

5. Accordingly, the Civil Revision Petition is dismissed. No cost. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

trp

To

The II Additional Subordinate Judge, Madurai.

+1 CC to M/s.S.JAYAKUMAR, Advocate (SR-6857[F] dated 17/02/2022)

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