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CRP.No.826 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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Sangeetha

... Petitioner

Vs.

Easwaran

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 11.01.2023 made in IA.No.3 of 2022 in OS.No.126 of 2019 on the file of the Subordinate Judge, Mettupalayam.

For Petitioner : Mr.K.Balasubramaniam

ORDER

Challenging the docket order dated 11.01.2023 passed in IA.No.3 of 2022 in OS.No.126 of 2019 on the file of the Subordinate Judge, Mettupalayam, the defendant preferred this revision.

2. In fact, the suit was filed by the plaintiff for recovery of money and the same was defended by the defendant taking her stand as documents are fabricated. To prove the same, she filed application in IA.No.3 of 2022 to



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send the disputed document for expert opinion and the same was allowed by the trial Judge and Advocate Commissioner was also appointed to take disputed document for forensic lab. But the Forensic Lab officials requested to produce some more document for comparison of the signature along with disputed signature, more particularly contemporaneous period. So Commissioner filed memo before the trial court, but the same was closed by the trial Judge stating that sufficient time was given to the defendant but not produced sufficient document. Challenging the same, the present revision is preferred.

3. The learned counsel for the petitioner submits that the petitioner is having document pertaining to the year 2016-2017 and also produced copy of the said document. Though the trial Judge gave adjournment, she has not produced document, but the fact reveals that she is holding sufficient document and if not opportunity given to her, her valuable right will be defeated. But the trial Judge closed the memo as such the findings of the trial Judge has to be set aside by allowing this revision.

4. Accordingly, the defendant is directed to submit contemporaneous document which she is holding within a period of two weeks from the date of



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receipt of this order so as to enable the Commissioner to execute the warrant as per the order passed in IA.No.3 of 2022.

5. In the result, this civil revision petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

31.03.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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To
Subordinate Judge,
Mettupalayam.



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T.V.THAMILSELVI, J.

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