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C.R.P.(PD)No.2128 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P(PD)No.2128 of 2019
and CMP.No.13695 of 2019

Arunagiri

... Petitioner

VS

P.Senthilmaran

.. Respondent

Petition filed under Article 227 of the Constitution of India against the order and decreetal order dated 14.03.2019 in I.A.No.65 of 2018 in O.S.No.31 of 2016 on the file of the learned Principal District Judge, Tiruvannamalai.

For Petitioner : Mr.A.E.Lakshminarayanan

For Respondent : Ms.S.Suseela Devi

ORDER

This revision challenges the order passed in I.A.No.65 of 2018 in O.S.No.31 of 2016 dated 14.03.2019. The petitioner before me is the defendant. The suit has been filed for specific performance of an agreement of sale dated 02.02.2012. It is the admitted case of the defendant that the signature found in the agreement dated 02.02.2012 is his signature, but according to him, what he gave to the plaintiff was a



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blank unfilled stamp paper on which subsequently the plaintiff had tied the agreement of sale. When the signature is admitted, there is no question of comparison of the signature found in the agreement with that of the admitted signature.

2. Therefore, the trial Court took a view that only in case of disputed signature, the document can be send for handwriting expert for his opinion. It came to a conclusion that in the circumstances of the present case, there is no necessity to send the document for forensic expert. I concur with the opinion and dismiss the revision. Having dismissed the revision, I have to state that the burden of proof continues to be on the plaintiff to prove that the agreement dated 02.02.2012 was in fact entered into between the plaintiff and the defendant. The dismissal of the application does not shift the burden on the defendant.

3. With the above observations, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.08.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

vs

To



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The Principal District Judge,
Tiruvannamalai.



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V. LAKSHMINARAYANAN,J.

VS

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09.08.2023