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CRP No.3083 of 2023 and
CMP.No. 19092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.3083 of 2023
and
C.M.P. No. 19092 of 2023

1. K. Jayabalaji
2. Usha Jayanthi

... Petitioners

Versus

1. A/M. Dharmaraja and Dhrwopathi Amman Thirukoil
Rep. by its Executive Officer,
Kilpauk, Chennai – 600 010.

2. The Commissioner,
The Corporation of Chennai,
Periyamet,
Chennai – 600 003.

...Respondents

Civil Revision Petition filed Under Article 227 of Constitution of India,
praying to set aside the order and decretal order passed in I.A.No. 4 of 2022 in
O.S.No. 6283 of 2018 dated 04.07.2023 by the Learned XVth Assistant Judge,
City Civil Court, Chennai.

For Petitioners : Mr. S. Selvaraj

For Respondents : Mr. S.Surya
for Mr.R.Mahalingam (for R1)

No appearance (for R2)



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ORDER

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The petitioners have filed this revision petition to set aside the order and decreetal order passed in I.A.No. 4 of 2022 in O.S.No. 6283 of 2018 dated 04.07.2023 by the Learned XVth Assistant Judge, City Civil Court, Chennai.

2. Heard, Mr. S. Selvaraj, learned counsel for the petitioners and Mr.S.Surya, for Mr.R.Mahalingam, learned counsel appearing for 1st respondent and perused the materials available on record.

3. Before the trial Court the petitioners / 1st and 2nd defendants have filed an application under Order XXVI Rule 10 of CPC read with Section 151 of CPC for Ex.A3 letter dated 10.06.2018 to the Forensic Department for comparison with admitting signature of petitioners by appointing Advocate Commissioner. The learned trial Judge dismissed the same on the ground that to compare Ex.A3 letter with his admitted signature, the petitioner had not even filed a single contemporaneous documents containing his signature dated around 10.06.2018. When there is no contemporaneous documents for comparing the signature, no purpose would be served by sending Ex.A3 for comparison and moreover in the year 2018, nearly 3 years, he has not taken any steps to send the documents for comparison. Aggrieved by the said order,



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the revision petitioners have preferred this revision.

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4. The learned counsel for the revision petitioners submitted that the receipt issued by the Temple authority may be taken into consideration.

5. Already the petitioners admitted that the land belongs to temple and they have put up a superstructure alone. The petitioners are directed to work out their remedy before the trial Court for the defence taken by the respondents, for which expert opinion is not necessary.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

22.12.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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T.V.THAMILSELVI, J.

rrr

To

1. The XVth Assistant Judge, City Civil Court,
Chennai.
- 2.The Section Officer,
VR-Section, High Court of Madras.

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