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CRP No.3363 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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M.A.Saitha Begam

.... Petitioner

-Vs-

C.Ganesan

.... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decreetal in I.A No.1 of 2020 in O.S No. 1473 of 2018 dated 26.08.2022 passed by the learned III Additional Judge, City Civil Court at Chennai.

For Petitioner : Mr.S.Balasubramanian
For Respondent : Mr.K.P. Chandrasekaran

ORDER

This Civil Revision petition has been filed to set aside the fair and decreetal in I.A No.1 of 2020 in O.S No. 1473 of 2018 dated 26.08.2022 passed



by the learned III Additional Judge, City Civil Court, Chennai.

2. The case of the petitioner is that the respondent filed suit O.S No. 4173 of 2018 seeking for the relief of recovery of money on the file of the III Additional City Civil Court, Chennai. While so, the petitioner herein filed I.A No. 1 of 2020 in O.S No.4173 of 2018 to allow the expert from forensic laboratory to inspect the Ex.P5,P9 & P12 for comparing with the petitioner's signature. After considering oral and documentary evidence, the Trial Court dismissed the said petition. Challenging the same the petitioner filed this petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Considering the fact the respondent filed a suit against the petitioner for recovery of money based on the Ex.P5, P9 and P12. On the other side the petitioner contested the suit and filed his written statement. Thereafter the petitioner filed I.A No. 1 of 2020 in the said suit for to allow the expert from forensic laboratory to inspect the said Ex.P5, P9 & P12 for comparing with the petitioner's signature. But the Trial Court dismissed the said application held that in order to gain time and protract the proceedings the petitioner filed the petition. On perusal of the records, in the written statement the petitioner stated that



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documents are forged one and also denied his signature in that document.

Therefore this Court is of the view that it is necessary for the petitioner to get expert opinion from forensic laboratory to inspect the said Ex.P5, P9 & P12 for comparing with the petitioner's signature. If the opportunity is not given to the petitioner his defence will be defeated. Hence the order passed by the Trial Court in I.A No. 1 of 2020 in O.S No.4173 of 2018 is hereby set aside. The Trial Court is directed to send the relevant documents to the forensic laboratory for the expert opinion through advocate commissioner within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly this Civil Revision Petition is allowed. No cost.

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Index : Yes/No
Internet : Yes/No
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