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C.R.P.(PD) No.1538 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.1538 of 2017
and C.M.P.No.7136 of 2017

1.Lakshmi @ Saraswathi
2.Ramasamy @ Radha

... Petitioners

vs.

1.Jeevanandam
2.Shanthi
3.Sekar
4.Danton Leon Felix

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India against the Order and Decree dated 23.02.2017, in I.A.No.366 of 2016 in O.S.No.148 of 2007, on the file of Additional Sub Judge, Pondicherry.

For Petitioners: Mr.D.Ravichander

For Respondents: Mr.V.S.Senthilkumar (for R1 & R2)
R3 – NRN

R4 – Served – No Appearance

ORDER

The defendant is the revision petitioner. The defendant seeks to revise the order passed in I.A.No.366 of 2016. I.A.No.366 of 2016 was filed under Order 26 Rule 10A of the Code of Civil Procedure. The



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plaintiffs wanted the signature and thumb impression found in Ex.A10 and Ex.B2 to be compared with the admitted signature of the second plaintiff found under Ex.A2. For this end, they wanted the document to be sent to a competent hand writing and thumb impression expert by appointing an Advocate Commissioner. The learned trial Judge allowed the application against which the present Civil Revision Petition has been filed.

2.The entire suit has been predicated on the ground that the second plaintiff never executed a document in favour of the third defendant. According to them, the document dated 14.03.1996 is a rank forgery. This allegation was made even at the time of presentation of the plaint. In pursuance thereof, the said documents were marked as evidence as Ex.B2. The document having been marked, the plaintiffs wanted the document to be compared with by a hand writing and finger print expert. She wanted it to be compared with the admitted document, which is namely, Ex.A2, the sale executed by the second plaintiff in favour of the first plaintiff. Ex.A11 is the thumb print register, which is maintained by the Sub-Registrar's Office. All the documents being registered documents, a comparison thereof will either prove the case of the plaintiffs or will go against them. It is for the plaintiffs to prove the case



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and the plaintiffs in pursuance thereof has taken steps to have the document compared. The trial Judge having allowed the application after consideration of all the relevant factors, there is no necessity to interfere in the revision.

3.This civil revision petition No.1538 of 2017 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

4.The time granted by the trial Court for deposit of the expert opinion fees, if not already paid is extended by a further period of four weeks.

07.07.2023

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No
vs

To

The Additional Sub Judge,
Pondicherry.



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V. LAKSHMINARAYANAN,J.

VS

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