



C.R.P.No.3578 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 3578 of 2022

and

C.M.P.No. 19004 of 2022

D. Martin Jayaraj

.. Petitioner

Vs

1.S. Victoria
2.H. Ramu
3.G. Murugan

4.Administrator General of Tamil Nadu,
City Civil Court Buildings,
Chennai – 600 104.

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair order dated 29.01.2019 passed in I.A.No.13620 of 2018 in O.S.No.9240 of 2006 pending on the file of the VII Assistant Judge, City Civil Court, Chennai insofar as “production of 5 or more public documents” clause is concerned and render justice.

For Petitioner : Mr. P. Rajendran
For Respondents : Dr. S. Suriya,
Additional Government Pleader



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ORDER

This Civil Revision Petition is filed to set aside the fair order dated 29.01.2019 passed in I.A.No.13620 of 2018 in O.S.No.9240 of 2006 pending on the file of the VII Assistant Judge, City Civil Court, Chennai insofar as “production of 5 or more public documents” clause is concerned. The second defendant preferred this revision.

2. Before the trial Court, the second defendant filed an application seeking to appoint an Advocate Commissioner to send the original sale agreement dated 25.08.2006 marked as Ex.A1 and the original settlement deed dated 08.09.2006 to the Director, Forensic Science Department for comparison of the signature of Mrs. Victoria in both the documents and thereupon directing him to get the handwriting expert report.

3. The respondent / plaintiff filed a suit for specific performance in O.S.No.9240 of 2006. But the contention of the learned counsel for the revision petitioner / second defendant is that it is a fabricated



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sale agreement and denied that the deceased mother, Victoria was not executed. To prove the same, he wants to compare the signature found in the agreement along with the settlement deed executed by the petitioner's mother. That application was objected by the plaintiff that the deceased Victoria has no issues and the sale agreement is valid one and the alleged settlement deed is colluded and created by the petitioner. Therefore, he denied the validity of the settlement deed. Both the parties were not admitted the genuineness of the sale agreement as well as the settlement deed respectively. But the trial Judge, on considering both submissions conclude that both the parties accused each other and claiming that the documents are fabricated one. Accordingly, the application was allowed.

4. While allowing the application, the Court has given direction to produce five or more public documents for relevant period. In order to analyse the signature found in the settlement deed. Aggrieved over the same, he filed application seeking modification by the second defendant and the same was returned by the trial Judge stating that despite of conditional order, he has not complied by producing documents and the application also



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not been maintainable and returned.

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5. The learned counsel for the fourth respondent submits that the sale agreement is of the year 2006 and the document which relied by him also is of the year 2006, contemporaneous period is sufficient to compare the signature of the deceased, Victoria in both the documents.

6. Admittedly, the sale agreement is unregistered one and the settlement deed relied by the revision petitioner is the registered document. Both are related in the year 2006 contemporaneous period. The signature in the agreement is denied by the revision petitioner and he wants to prove the same by relying the settlement deed of the registered document, which is more sufficient. But the trial Judge, without considering, directed him to produce five or more documents as such is unwarranted one. To that effect, he filed application for modification but the same was not been considered by the trial Judge.



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7. Therefore, the order passed in unnumbered I.A. / docket order is set aside. I.A.No.13620 of 2018 in O.S.No.9240 of 2006 is ordered to be taken on file and dispose the same on merits within three weeks from the date of receipt of copy of this order.

8. In the result, the Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

06.11.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

Note: Issue order copy on 08.11.2023

To
The VII Assistant Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

AT

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C.M.P.No. 19004 of 2022

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