



C.R.P.No. 4483, 4496 & 4511 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 4483, 4496 & 4511 of 2023

and

C.M.P.No.26977 of 2023

Neelamegam

.. Petitioner
in all the C.R.Ps

Vs

1.Kamaraj
2.Annadurai
3.Adhistalakshmi
4.Govindasamy
5.Selladurai
6.Poorasami

.. Respondents
in all C.R.Ps

PRAYER in C.R.P.No.4483 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.10.2023 made in I.A.No.5 of 2023 in O.S.No.191 of 2019 on the file of learned Sub-Court, Jayankondam.

PRAYER in C.R.P.No.4496 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.10.2023 made in I.A.No.7 of 2023 in O.S.No.191 of 2019 on the file of learned Sub-Court, Jayankondam.



C.R.P.No. 4483, 4496 & 4511 of 2023

PRAYER in C.R.P.No.4511 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.10.2023 made in I.A.No.6 of 2023 in O.S.No.191 of 2019 on the file of learned Sub-Court, Jayankondam.

For Petitioner in all C.R.Ps : Mr.C.Prabhu

COMMON ORDER

This Civil Revision Petition is filed challenging the order passed by the trial Judge in I.A.Nos.5, 6 & 7 respectively in O.S.No.191 of 2019, the plaintiff has preferred these revisions.

2. Before the trial Court, the plaintiff / revision petitioner filed applications to reopen, recall and to send the documents to expert opinion. All the applications were dismissed by the trial Judge, holding that after commencement of the trial, the plaintiff / petitioner herein come forward with such application, as such is not permissible. Moreover, the defendant already denied the signatures in Ex.A1 long back, but the plaintiff has not taken any steps to send the documents for expert opinion and only after the



C.R.P.No. 4483, 4496 & 4511 of 2023

commencement of the trial, he come forward with such application as such

is not permissible. Accordingly, all the applications were dismissed.

Aggrieved by the said finding, the plaintiff has preferred these revisions.

3. Admittedly, in the year of 2019, the defendants / respondents herein filed written statement and denied Ex.A1, sale agreement but at the time of commencement of the trial, plaintiff / petitioner herein filed application to send the documents to get an expert opinion but as a plaintiff he wants to prove his claim before the Court. If opportunity is not given to him, his valuable right to defend the case will be defeated. Furthermore, to send the documents to obtain expert opinion would not cause any prejudice but the trial Judge failed to appreciate the same. Therefore, the order passed by the trial Judge in I.A.Nos.5, 6 & 7 of 2023 in O.S.No. 191 of 2019 is set aside. The trial Judge is directed to appoint an Advocate Commissioner in I.A.No.7 of 2023 to obtain expert opinion as per the manner known to law.



C.R.P.No. 4483, 4496 & 4511 of 2023

4. In the result, the Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2023

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

To
The Sub-Court, Jayankondam.



WEB COPY



C.R.P.No. 4483, 4496 & 4511 of 2023

T.V.THAMILSELVI, J.

AT

C.R.P.No. 4483, 4496 & 4511 of 2023 and
C.M.P.No.26977 of 2023

13.12.2023