



C.R.P.(MD).No. 2014 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(MD)No. 2014 of 2019

Perumalsamy (died)
Ramalakshmi

... Petitioner/ Petitioner/Plaintiff

-vs-

S.Athilakshmi

... Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 23.09.2019 passed in I.A. No.300 of 2018 in O.S.No.53 of 2012 on the file of the Sub Court, Kovilpatti.

For Petitioner : Mr.G.Karnan

For Respondent : Mr.H.Arumugam

ORDER

The present Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India, against the order dated 23.09.2019 passed in I.A.No.300 of 2018 in O.S.No.53 of 2012 on the file of the Sub Court, Kovilpatti.



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2. The revision petitioner is the plaintiff and the respondent is the defendant before the trial Court.

3. For the sake of convenience, the parties would be referred according to the litigation status before the trial Court.

4. The short facts, which give rise to the instant Civil Revision Petition are that, the petitioner/plaintiff has filed the suit in O.S.No.53 of 2012 for the relief of specific performance, based upon the sale agreement dated 02.08.2011. The respondent/defendant has disputed the very execution of the sale deed and also objected that the signature found in the sale deed as forged. However, in paragraph No.7 of the written statement filed by the defendant, she has recorded no objection to send for the disputed sale agreement dated 02.08.2011 to the handwriting expert to compare the signature with the admitted documents, such as, sale deed, Pan card and other documents in I.A.No.299 of 2018.

5. While so the petitioner has also filed an another application in I.A.No.300 of 2018 for appointment of Advocate Commissioner, to do



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ministerial work of submitting the documents before the handwriting expert.

However, since the very application to send the document for handwriting expert was dismissed in I.A.No.299 of 2018 today by this Court in separate order, the present Civil Revision Petition become infructuous and redundant. Therefore, the order passed by the learned trial Judge in dismissing the Commission application need not be interfered with.

6. Hence, this Civil Revision Petition is also dismissed. There shall be no order as to costs.

24.07.2023
(2/2)

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To
1. The Sub Court,
Kovilpatti.



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C.KUMARAPPAN,J.

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