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C.R.P.No.1014 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1014 of 2024 and
CMP No.5256 of 2024

M.Ramasamy

... Petitioner

Vs.

1. V.P.Rja
2. A.Boopathi
3. A.Selvam
4. Kamalam

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 01.09.2023 passed in I.A.No.1 of 2023 in O.S.No.205 of 2011 on the file of the Principal District Munsif Court, Attur.

For Petitioner

:Mr.S.Senthilkumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the 1st respondent/plaintiff seeking leave of the Court to mark un-registered sale agreement dated 20.01.2006.

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2. The 1st respondent herein filed a suit for bare injunction restraining the petitioner and other respondents from interfering with his peaceful possession and enjoyment of the suit property. The 1st respondent herein claimed possession over the suit property under un-registered sale agreement dated 20.01.2006. When the said document was tendered in evidence and the same was objected by the petitioner, the instant application has been filed by the 1st respondent seeking leave of the Court to mark the document subject to the objection made by the petitioner/1st defendant. The said petition was allowed by the Trial Court by holding that objection raised by the petitioner with regard to the sale agreement dated 20.01.2006 could be decided later. Aggrieved by the same, the petitioner/1st defendant is before this Court.

3. The learned counsel for the petitioner vehemently contended that the sale agreement relied on by the 1st respondent was already sent for expert opinion and the expert had given his opinion stating that the signature found in the sale agreement was not that of the petitioner/1st defendant. Therefore, relying on the expert opinion, the learned counsel for the petitioner submits



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that the sale agreement in question shall not be admitted in evidence.

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4. Whether the signature of the petitioner/1st defendant found in questioned document is genuine or not is a question to be decided based on the evidence at the time of final disposal of the suit. Now, the 1st respondent/plaintiff wants to mark the questioned document to be admitted in evidence subject to objection of the petitioner. The Trial Court rightly allowed the application subject to the objection made by the petitioner. Therefore, the right of the petitioner to object to the document is preserved by order impugned in this revision. In such circumstances, I do not find any error in the impugned order. The impugned order, if allowed to stand, will not cause any prejudice to the petitioner. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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C.R.P.No.1014 of 2021.

To
The learned Principal District Munsif, Attur.



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S.SOUNTHAR, J.

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