



CRP.No.2385 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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Siva

... Petitioner

Vs.

1.P.Sasikala
2.Pandian

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.08.2021 in IA.No.2 of 2020 in OS.No.206 of 2017 on the file of the District Munsif Court, Nagapattinam, by allowing the same.

For Petitioner : Mr.P.Sidharthan



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ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking a direction to the respondent to produce the original compromise arrangement between the petitioner and the respondents dated 05.01.2018.

2. The petitioner herein filed a suit for bare injunction against the respondents. The said suit was resisted by the respondents by relying upon a sale agreement entered into between the petitioner and the respondents. In the written statement the respondents also referred to the compromise entered between the petitioner and the respondents dated 05.01.2018 whereunder the petitioner is said to have handed over the key and his possession of the suit property to the respondents. Therefore, it is the case of the respondents that he has been in possession and enjoyment of the suit property pursuant to the compromise memo.



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3. The present application has been filed by the petitioner seeking direction to the respondent to produce the original compromise arrangement allegedly entered into between the petitioner and the respondents. In the affidavit filed in support of this application it is stated by the petitioner that compromise arrangement referred by the respondents is a fraudulent document and the same is required for scrutiny by forensic expert for determining genuineness of the signature. In order to send the compromise arrangement for opinion of the forensic expert, instant application has been filed seeking directions to the respondents to produce the original compromise arrangement. The said application was contested by the respondents on the ground that the respondents have already filed a suit for specific performance of sale agreement entered between the petitioner and the respondents in OS.No.1 of 2020 on the file of the District Munsif Court, Nagapattinam and compromise arrangement between the petitioner and the respondents



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referred to in the written statement has been filed before the District Munsif Court, Nagapattinam in the specific performance suit filed by the respondents.

4. The Court below dismissed the application filed by the petitioner on the ground that the original document is already filed by the respondents in a suit for specific performance filed by them in OS.No.1 of 2020 on the file of the District Munsif Court, Nagapattinam and hence, no direction can be issued to the respondents to produce the original.

5. It is also stated by the Court below that the petitioner who is a party in the specific performance suit can seek necessary remedy by filing appropriate application in that suit.

6. The learned counsel for the petitioner submitted that subsequent to the filing of the compromise arrangement before the



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District Munsif Court, Nagapattinam in the suit for specific performance filed by the respondents, the petitioner herein had executed a sale deed in favour of the respondents based on the said agreement and the respondents and also withdrew the suit.

7. In such circumstances, it is not open to the petitioner to challenge the genuineness of the compromise arrangement in the present suit, when he already executed sale deed in pursuance of the compromise arrangement. The copy of the compromise arrangement questioned by the petitioner, dated 05.01.2018, is filed along with written statement as Doc.No.1. It is always open to the petitioner to seek forensic expert's opinion based on the xerox copy of the document. If it is necessary, it is open to the petitioner also to file an application to send for original document from the District Munsif Court, Nagapattinam.

8. The learned counsel for the petitioner further submitted that there are certain movables available in the suit property. As per



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compromise arrangement the petitioner was allowed to remove his belongings in the suit property and the respondents are not co-operating for removing of belongings of the petitioner. In such circumstances, it is open to the petitioner to file appropriate application before the Court below for removal of his belongings. If any such petition is filed, the same shall be considered on it's own merits.

9. In view of the discussions made earlier, I do not find anything to interfere with the order passed by the Court below and accordingly, the Civil Revision Petition is dismissed. No costs.

04.01.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation Case : Yes/No
dna

To

The District Munsif Court, Nagapattinam.

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