



C.R.P.(PD).No.2952 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.2952 of 2021

and

C.M.P.No.21151 of 2021

Mrs. Mini Joseph

... Petitioner

Versus

Mr. Ramkumar (Died)
Managing Director,
M/s. Bagyashree Builders (p) Ltd.,

1.Mr. Rama Sundar

Mr. Kothandampani (Died)

2.Mr. P.S. Hari

3.Mrs. Hemavathi Natarajan

4.Mrs. Annapurna Swaminathan

5.Mr. K. Manikandan

6.Mr. R. Sankar

7.Mr. J. Sathiyarayanan

8.Mrs. Parvathi Bheeman

9.Mr. Srinivasan



C.R.P.(PD).No.2952 of 2021

WEB COPY

10.Mr. B. Uma Shankar

11.Mr. Jojan Joseph

12.Mr. R. Mohan Kumar

13.Mr. S. Venkatesan

14.Mrs. B. Amudha

15.Mr. A.S.Kareem

16.The Sub-Registrar, Joint – II,
O/o. Joint II- Sub Registrar,
Raja Street, Coimbatore.

17.Tamil Selvi

18.Geetha

19.Thiyagarajan

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decree made in I.A.No.529 of 2009 in O.S.No.1533 of 2000, dated 13.09.2021 pending on the file of the II-Additional Subordinate Court at Coimbatore.

For Petitioner : Mr. Mohammed Fayazi Ali

For Respondents : Mr. Venkatasubban,
for M/s. Sarvabhauman Associates, (for R6)

: Service Awaited (for R1 to R5 and R7 to R19)



C.R.P.(PD).No.2952 of 2021

ORDER

WEB COPY

This Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking a comparison of the disputed documents mentioned in the plaint along with the admitted signature by the expert.

2. The petition filed by the petitioner herein was dismissed by the Court below on two grounds, namely, the petitioner had been dragging the proceedings on for several years and secondly, the petitioner failed to furnish the admitted documents for comparison.

3. It is seen from the impugned order the suit was filed by the petitioner questioning the various documents allegedly executed by him in favour of the respondents. The suit was filed in the year 2000 and the issues were framed on 14.06.2005. Subsequently, on 09.04.2007, the suit was dismissed for default and the same was restored based on the application filed by the petitioner.



C.R.P.(PD).No.2952 of 2021

WEB COPY

4. Thereafter, the petitioner filed the instant application seeking a comparison of disputed signatures. The instant application was dismissed for default on 22.11.2012. Thereafter, the petitioner filed another application for restoration in I.A.No.630 of 2013 as per the order dated 27.11.2013 passed in that I.A., the instant application has been restored. Again, a petition filed by the revision petitioner was dismissed for default for the second time on 23.06.2014. Thereafter, the petitioner filed an I.A.No.625 of 2014 for restoration of the said application and the same was allowed on 06.02.2018 and it was restored for the second time. Mentioning the sequences of events, the Trial Court found that the petitioner had been dragging on the suit unnecessarily. Further, in the instant application, the petitioner seeks comparison of the disputed documents like Sale Deeds, Power of Attorney, etc., mentioned in the plaint with the admitted contemporaneous documents. However, the petitioner failed to produce the admitted contemporaneous documents before the Court below. In such circumstances, the Trial Court has rightly dismissed the instant application. Therefore, I do not find any error in the order in I.A.No.529 of 2009 in O.S.No.1533 of 2000, dated 13.09.2021 passed by the Court below.



C.R.P.(PD).No.2952 of 2021

WEB COPY

5. However, it is made clear, in case, the petitioner is able to get any contemporaneous admitted documents for comparison, it is open to him to file an appropriate application for comparison of the same with disputed documents by producing the contemporaneous documents before the Court below.

6. With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

13.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Case Citation : Yes / No

klt

To:

The Sub-Registrar, Joint – II,
O/o. Joint II- Sub Registrar,
Raja Street, Coimbatore.



WEB COPY



C.R.P.(PD).No.2952 of 2021

S. SOUNTHAR. J.,

klt

C.R.P.(PD).No.2952 of 2021
and
C.M.P.No.21151 of 2021

13.02.2024