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CRP.No.3837 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.3837 of 2024
and C.M.P.No.21056 of 2024

Narasimman (Deceased)

1.Saradha

2.Revathi

3.Ranjithkumar

.. Petitioners

Versus

Venkatesan

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 28.11.2023 passed in I.A.No.1 of 2022 in A.S.No.79 of 2015 by the learned Principal Subordinate Judge at Ponneri.

For Petitioner : Mr.B.Vignesh

For Respondents : Mr.R.Krishnaswamy

ORDER

Challenge has been made to the impugned order rejecting the application filed by the petitioner to send Ex.A1 to expert for comparison of the signature with other admitted documents.



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2. A stand has been taken in an application filed in I.A.No.1 of 2022 as if Ex.A1 has been forged or created. The Trial Court has failed to compare the signature under Section 73 of the Evidence Act. Therefore, in order to prove his case, it is absolutely necessary to have expert opinion. The appellate Court on perusal of the entire evidence and pleadings had dismissed the application.

3. Heard both sides and perused the materials placed on record.

4. The suit has been filed for specific performance to enforce the agreement dated 27.11.2002. In the written statement, except bare denial, there is no specific denial made. Be that as it may, in the evidence, contrary stand has been taken by the revision petitioner wherein, he has clearly admitted his signature. According to him, at the time of executing sale deed in favour of the respondent's wife, Ex.A1, signature is also obtained separately and he has taken a stand that he has put signature without reading the document believing that his brother Devan would take care and read the document. Stamp duty was purchased on the same day. Taking advantage of the signature, sale deed has been created. A specific



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admission is made by the petitioner not disputing the signature.

5. This Court is of the view that no purpose would be served to have a forensic examination. Only when there is a clear case of denial and forgery has been pleaded, then the question of referring the matter to expert will arise. When the signature has been admitted, only the agreement has been denied, there is no purpose in sending the document to expert. It is for the revision petitioner to establish his stand by way of available evidence already adduced in this regard.

6. According, this revision petition stands dismissed. No costs. The appellate Court is directed to dispose of the appeal, on merits, expeditiously, within a period of four months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition stands closed.

21.11.2024

Index : Yes/No
Internet : Yes/No



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N.SATHISH KUMAR, J.,

dhk

To,

1.Principal Subordinate Judge
Principal Subordinate Court, Ponneri

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