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IN THE HIGH COURT OF JUDICATURE AT MADRAS

PRONOUNCED ON : 07.11.2024

CORAM:

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

A. No. 4609 of 2024

in

C.S. No. 808 of 2014

This application is filed to appoint an advocate commissioner to send the Plaintiff Exhibits P-1 and P-2 for forensic examination to ascertain the signature of the defendant in those documents by comparing the same with admitted signatures on the documents.

2. The learned counsel for the applicant/plaintiff submitted that the respondent/defendant had denied the claim that the signature in exhibits P-1 and P-2 are not fabricated one. He had reiterated the same in his cross examination. Even though the respondent/defendant had admitted that the original documents of the properties are lying with the applicant, Exhibits P-1 and P-2 may be sent for forensic examination to compare the signature of the defendant with the admitted documents. Infact the



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defendant himself stated that he is ready to produce the contemporaneous documents for the purpose of forensic examination. Therefore, unless this Honble Court orders for forensic examination of the signatures of the defendant in plaint exhibits P-1 and P-2, the applicant will be put to irreparable loss and hardship. Hence, he prays to allow this application.

3. The learned counsel for the respondent/defendant submitted that the suit is of the year 2014, and after a lapse of 11 years, the applicant /plaintiff has come forward with the present application which is not maintainable. More over, the evidence was closed on 06.09.2018 and now the case is posted for arguments. He further submitted that after noting all those points in the written arguments of the respondent/defendant and after receipt of the written arguments, the applicant/plaintiff has filed this vexatious application. During the cross examination, the applicant/plaintiff has also admitted that he has not taken any steps to send the signature for expert opinion, eventhough the respondent/defendant was ready to cooperate with him. Hence, he vehemently opposed to allow this application.



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4. On perusal of records, it would reveal that in the cross examination, the applicant/plaintiff (PW1) has admitted that he has not taken any steps to send the signature for expert opinion, even though the respondent/defendant was ready to cooperate with him. The suit is of the year 2014 and after the delay of 10 years, the present application is filed. Already the evidence was closed on 16.08.2018 and now the case is pending at the stage of plaintiff's side arguments for more than 6 years. The respondent/defendant has also filed his written arguments and citations on 22.12.2020. From the above, it is clear that only to protract the suit proceedings, the present application has been filed by the applicant/plaintiff. Hence, this application lacks merit and the same is liable to be dismissed.

5. Accordingly, this application is dismissed.

07.11.2024

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Note: List the matter on 08.11.2024

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A.A.NAKKIRAN,J

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Pre-delivery Order in
A.No.4609 of 2024 in
C.S No.808 of 2014

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