



CRP.Nos.3003 & 3004 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Order reserved on : 25.10.2024

Order pronounced on : 30.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.Nos.3003 & 3004 of 2021
and C.M.P.No.21358 of 2021

Ravi

..Petitioner in both CRP's

Vs.

1.Arokiasamy
2.Selvi
3.Rajasekaran

..Respondents in both CRP's

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.09.2021 in I.A.Nos.329 & 330 of 2021 respectively in O.S.No.132 of 2017 on the file of the Sub Court, Chidambaram.

(In both CRP's)

For Petitioner : Mr.T.S.Baskaran

For Respondents

For RR 1 to 3 : Mr.G.Ethirajulu
for Mr.K.Balu



CRP.Nos.3003 & 3004 of 2021

COMMON ORDER

WEB COPY

These civil revision petitions have been filed as against the order dated 06.09.2021 in I.A.Nos.329 & 330 of 2021 respectively in O.S.No.132 of 2017 on the file of the Sub Court, Chidambaram.

2.The revision petitioner is the plaintiff in a suit for specific performance. Applications were taken out by the defendants in I.A.Nos.329 and 330 of 2021 in O.S.No.132 of 2017 for reopening the evidence and also to send certain documents for comparison to the forensic expert under Order 26 Rule 10A of Code of Civil Procedure,1908.

3.The said application was resisted by the revision petitioner /plaintiff on the ground that the signatures which are sought to be sent are not admitted signatures and also no signature contained in public documents. Despite the said objection, the Trial Court allowed the applications, as against which, the present revisions have been referred.

4.I have heard Mr. T.S.Bhaskaran, learned counsel for the revision



petitioner and Mr. G.Ethirajulu for Mr.K.Balu, learned counsel for the respondent in both the petitions.

5.Learned counsel for the revision petitioner Mr. T.S. Bhaskaran, referring to the evidence adduced at trial, would submit that the documents which are sought to be compared with the agreement of sale are not public documents and when the signatures are not admitted by the plaintiff/ revision petitioner, the Trial Court ought not to have permitted comparison of disputed documents.

6.Per contra, Mr.G.Ethirajulu learned counsel for the respondents would submit that insofar as the 1st defendant, Arokiasamy, a registered sale deed is available in Ex.B11 and therefore, there will be no difficulty for the forensic expert to compare signature of the 1st defendant with the signatures available in Ex.B11, sale deed. In so far as the 2nd defendant, Selvi, the learned counsel for the respondents Mr.G.Ethirajulu, without prejudice to the contentions and merits of the matter, would submit that the 2nd respondent is willing to submit her original PAN card which is issued only in the year 2010, prior to the suit transaction and therefore, the same can be compared with the disputed signature



in the agreement of sale dated 15.04.2010.

WEB COPY

7.It is also submitted by Mr.G.Ethirajulu that the documents pertaining to employment of the 2nd defendant with Neyveli Lignite Corporation have been already produced and they may also be relevant for comparison.

8.Having regard to the submissions advanced by the learned counsel on either side, as rightly contended by Mr.T.S.Bhaskaran, when documents are not admitted then there is no point in sending such documents for comparison as it would serve no purpose. Comparison of signatures with admitted and contemporaneous documents alone would serve the cause of justice; In the instance case, as rightly contended by Mr.G.Ethirajulu, Ex.B11 is a registered sale deed containing the signature of the 1st defendant and therefore, the said document would serve the purpose insofar as the signature of the 1st defendant being verified.

9.Insofar as the signature of the 2nd defendant, I find that the PAN card has been issued only on 20.12.2010 and with the suit sale agreement being entered into on 15.11.2011, certainly, the signatures are contemporaneous and



entitled to be compared. As regards the records produced from Neyveli Lignite Corporation, if available, the Trial Court can also send the same along with the original PAN card of the 2nd defendant for comparison. It is also open to the respondents to seek suitable orders from the Trial Court for summoning contemporaneous records from Neyveli Lignite Corporation, if not available already in the Court records for the purposes of comparing the same with the disputed signatures in the agreement of sale dated 15.11.2011, if deemed necessary. If such an application is filed, the same may be disposed of within a period of two weeks.

10. In fine, Civil Revision Petitions are partly allowed in the manner following;

(i) The order of the Trial Court dated 06.09.2021 passed in I.A.Nos.229 & 330 of 2021 in O.S.No.132 of 2017 is set aside in respect to ordering comparison of the signatures of the defendants 1 and 2 in Ex.A2, agreement of sale dated 15.11.2011 with Exs.B34 to B37, B47, B48 to B52. The order is confirmed insofar as comparison of signatures with Exhibit B11.

(ii) The 2nd defendant shall submit her original PAN card before the Trial



CRP.Nos.3003 & 3004 of 2021

Court and the same shall be sent for comparison of the 2nd defendant's signature in Ex.A2. The Trial Court shall also send the contemporaneous documents containing signature of the 2nd defendant available in the Court bundle, if already summoned or produced on behalf of Neyveli Lignite Corporation, the employer of the 2nd defendant.

(iii) If no such documents are available, it is open to the respondents / defendants to seek for such contemporaneous documents to be summoned from Neyveli Lignite Corporation and the same also being sent along with the original PAN card for comparison with signature of 2nd defendant in the said documents and the disputed signature in Ex A2, sale deed. Any such application, if filed, shall be disposed of within a period of two weeks.

(iv) There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

30.10.2024

Speaking/Non-speaking order

Index : Yes/No

ata

To



The Sub Court, Chidambaram.

WEB COPY



CRP.Nos.3003 & 3004 of 2021

P.B.BALAJI.J.

ata



WEB COPY



CRP.Nos.3003 & 3004 of 2021

CRP.Nos.3003 & 3004 of 2021
and C.M.P.No.21358 of 2021

30.10.2024