



C.R.P.(PD)No.4612 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4612 of 2024  
and CMP No.25814 of 2024

M.Vasanthakumar

... Petitioner

VS

1.Devika  
2.Swathika  
3.Lakshmi  
4.Deepa

.... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 04.10.2024 passed by the Hon'ble District Judge, Mayiladuthurai in unnumbered I.A.SR.No.7356 of 2024 in O.S.No.42 of 2018.

For Petitioner : Mr.T.R.Sathia Mohan  
For SVV Law Firm

### **ORDER**

The civil revision petition arises against the order of return made by the



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learned District Judge, Mayiladuthurai in I.A.SR.No.7356 of 2024 in  
O.S.No.42 of 2018 dated 04.10.2024.

2. O.S.No.42 of 2018 is a suit for specific performance of an agreement of sale with respect to undivided 1/3<sup>rd</sup> share, in favour of the plaintiff, pursuant to an agreement dated 06.04.2016.

3. Summons have been served on the defendants. A perusal of the written statement shows that the defendants 1 and 2 have denied the execution of the agreement dated 06.04.2016. This has been suitably responded to by way of a reply statement by the plaintiff. Subsequently, the suit had been dismissed for default. Thereafter, it has been restored on an application filed before the Court on an undertaking by the learned counsel for the plaintiff that he will proceed with the matter with all expedition that it requires.

4. After restoration of the suit, the petitioner filed an application to send the document for handwriting expert to compare the signatures available in the suit agreement dated 06.04.2016 along with the admitted signatures of the defendants 1 and 2. The application was returned by the learned District Judge



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pointing out that the suit is in the list and since the document has not been marked, the plaintiff is not entitled for the relief in the said application. Hence this revision.

5. Heard Mr.T.R.Sathia Mohan for Mr.Vandhiyathevan.

6. Learned counsel draws my attention to the written statement filed by the defendants to plead that as the defendants have denied the document, the burden is on the plaintiff to prove the signatures on the document. Hence, he took out an application for comparison of the same.

7. I have carefully considered the submissions of Mr.T.R.Sathia Mohan.

8. A perusal of the order shows that the learned District Judge has not rejected the application outright. The learned District Judge has only stated that the petition is not maintainable since the document is yet to be marked. An unmarked document cannot be sent for comparison by the Court.

9. Therefore, I do not find any error in the order passed by the learned



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District Judge, Mayiladuthurai in I.A.SR.No.7356 of 2024 dated 04.10.2024.

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**V.LAKSHMINARAYANAN,J.,**

SR

10. It is always open to the petitioner to renew the application seeking a Report of the Forensic Expert after the document is marked in evidence.

11. With the above observation, the civil revision petition is dismissed.  
No costs. Consequently, connected miscellaneous petition is closed.

**19.11.2024**

Index:Yes/No  
Speaking order/Non-speaking order  
Neutral Citation:Yes/No  
sr

To

The District Court, Mayiladuthurai.



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