



C.R.P.No.4971 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.4971 of 2024

M/s.H.MFOUNDATIONS Private Limited,
represented by its Authorized Signatory,
Ashok Dhanraj .. Petitioners

Versus

1.A.D.Murugan
2.K.Vasantha
3.A.Moolraj Singhvi .. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 28.10.2024 passed in I.A.No.13 of 2024 in O.S.No.3116 of 2019 on the file of the XVI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.D.Saikumaran

ORDER



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This civil revision petition arises against the order of the XVI Assistant City Civil Court, Chennai in I.A.No.13 of 2024 in O.S.No.3116 of 2019 dated 28.10.2024.

2. The plaintiff claims to be a tenant in the suit schedule mentioned property under the first defendant. He has produced rental receipts stating that he had been put in possession pursuant to a rental agreement. He stated that the first defendant attempted to dispossess him forcibly and therefore, he filed a suit not to be evicted except otherwise in accordance with law.

3. Just prior to the suit, the third defendant had purchased the property. Therefore, he was impleaded as a party to the suit, pursuant to an order in I.A.No.7 of 2019 dated 15.12.2020.

4. The third defendant filed I.A.No.13 of 2024 stating that the lease agreement projected by the plaintiff along with the first defendant is forged and therefore, they should be sent for forensic examination. This application came to be dismissed by the learned XVI Assistant City Civil Judge, Chennai by the impugned order. Hence, this revision.



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5. I heard Mr.D.Saikumaran for the civil revision petitioner.

6. Mr.D.Saikumaran alleges that the plaintiff took possession of the property forcibly and there is no relationship between the first defendant and the plaintiff. He pleads that the lease agreement projected by the plaintiff is a forged document and hence, the document is required to send for forensic examination.

7. I have carefully considered the submissions of Mr.D.Saikumaran and have gone through the records.

8. The documents that are sought to be sent for examination have not yet been exhibited in the court. They are unmarked documents. For the mere fact that, they have been filed along with the plaint, does not mean they automatically became exhibits. The plaintiff might or might not mark the said documents during the course of trial. Unmarked documents cannot be sent for examination. Hence, the view taken by the learned Trial Judge does not brook for any exception.



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9. The civil revision petition is dismissed. No costs. Liberty is granted to the petitioner to file a petition for examination of document by the forensic expert, in case, any of the ten documents are exhibited during the course of trial.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no



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To

The XVI Assistant Judge, City Civil Court, Chennai.



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V.LAKSHMINARAYANAN, J.

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