



C.R.P.(PD)(MD) No.639 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(PD)(MD) No.639 of 2020

and

C.M.P.(MD) No.4165 of 2020

P.Ramasamy

... Petitioner/Petitioner
Defendant

Vs.

N.P.Ramasamy

... Respondent/Respondent/
Plaintiff

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the order dated 10.06.2020 made in I.A.No.5 of 2019 in O.S.No.162 of 2012 on the file of the Court of the District Munsif, Andipatti.

For Petitioner : Mr.Arjun Varman

For Respondent : Mr.K.Govindarajan



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ORDER

This Civil Revision Petition is directed against an order dated 10.06.2020 in I.A.No.5 of 2019 in O.S.No.162 of 2012 passed by the learned District Munsif, Andipatti.

2. The said application was filed under Order XXVI Rule 10A of the Civil Procedure Code seeking indulgence of the Court to compare the signature of the respondent/plaintiff on an unregistered partition deed dated 14.06.2003 with the admitted signature of the respondent appearing on the attendance register of the School where the respondent worked as Headmaster at the relevant time in the year 2003.

3. The said attendance register was also called for by the learned trial Court at the instance of the petitioner herein by issuing a summon dated 11.01.2020 and according to the learned counsel for the petitioner, the said attendance registers containing the signature of the respondent/plaintiff of the year 2003 are produced before the Court. However, the learned trial Court



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without taking note of the said documents and the undisputed signature of the respondent/plaintiff, dismissed the petition filed by the petitioner in I.A.No.5 of 2019 on the ground that the admitted signatures of the respondent are not available for comparison of the contemporaneous period.

4. Learned counsel on either side have not disputed about the issuance of the summons for production of such documents as early as on 11.01.2020 and production of such documents, i.e., attendance register before the trial Court and availability of the same before the trial Court.

5. In the light of the above, the order under revision and the reasons assigned therein are totally unsustainable and contrary to the facts. In the circumstances, the order under revision is liable to be set aside and the same is accordingly set aside, duly remanding the matter back to the learned trial Court for deciding the application in I.A.No.5 of 2019 afresh by duly taking into consideration the attendance registers containing the signatures of the respondent/plaintiff produced pursuant to the summons issued by the trial Court and to pass appropriate orders afresh in accordance with law.



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Accordingly, this Civil Revision Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

20.03.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The District Munsif,
Andipatti.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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