



C.R.P(MD)Nos.1700 & 1701 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.1700 & 1701 of 2022

and

C.M.P(MD)Nos.7478 & 7479 of 2022

C.R.P(MD)No.1700 of 2022:

A.Kadhija Bibi

... Petitioner /
Petitioner /
Plaintiff

Vs.

Syed Ibrahim Badhusa

... Respondent /
Respondent /
Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.07.2022 made in I.A.No.2 of 2021 in O.S.No.123 of 2016 on the file of Principal Sub Court, Tirunelveli, and allow this Civil Revision Petition.

For Petitioner : Mr.S.Karthik



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For Respondent : Mr.M.P.Senthil

C.R.P(MD)No.1701 of 2022:

A.Kadhija Bibi

... Petitioner /
Petitioner /
Plaintiff

Vs.

Syed Ibrahim Badhusa

... Respondent /
Respondent /
Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.07.2022 made in I.A.No.1 of 2021 in O.S.No.105 of 2016 on the file of Principal Sub Court, Tirunelveli, and allow this Civil Revision Petition.

For Petitioner : Mr.S.Karthik

For Respondent : Mr.M.P.Senthil

COMMON ORDER

Heard both sides.



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2.The revision petitioner is the plaintiff in O.S.No.123 of 2016 as well as O.S.No.105 of 2016 on the file of Principal Sub Court, Tirunelveli. Both the suits are for recovering a certain sum of money from the defendant. The suits have been instituted on the strength of sale agreements said to have been executed in favour of the plaintiff. One sale agreement is dated 06.07.2013 while the other sale agreement is dated 15.05.2013. The defendant has denied having executed the sale agreements.

3.The petitioner submits that the defendant had signed as a witness to prove the identity of the executant in another document dated 19.07.2013 (Document No.3677/2013) on the file of Joint II Sub Registrar, Thirunelveli. The petitioner wants comparison of the aforesaid sale agreements to be made with the signature attributed to the defendant found in document dated 19.07.2013. The petitioner had committed an error in seeking comparison with the signature of the defendant found in the vakalat and counter filed before the Court below. They are not contemporaneous documents. The document dated 19.07.2013 is a contemporary document.



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4.The learned counsel for the petitioner calls upon this Court to permit the petitioner to mold the relief and modify the prayer.

5.In this view of the matter, the impugned order is set aside. The Court below shall refer the sale agreements dated 06.07.2013 and 15.05.2013 for comparison with the signature attributed to the defendants found in the document dated 19.07.2013. Expert opinion in this regard shall be obtained as expeditiously as possible.

6.These Civil Revision Petitions are allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Principal Sub Court,
Tirunelveli.

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G.R.SWAMINATHAN, J.

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and
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