



C.R.P(MD)Nos.1932 & 1933 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.1932 & 1933 of 2024

and

C.M.P(MD)No.11013 of 2024

C.R.P(MD)No.1932 of 2024:

M.Balraj

... Petitioner /
Respondent /
Plaintiff

Vs.

1.Maria Varapasatham

... Respondent /
Petitioner /
1st Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order setting aside the fair and executable order dated 18.07.2024 passed in the application in I.A.No.5 of 2024 in O.S.No.39 of 2024 on the file of the Subordinate Court, Sattur and allow the same.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.R.Rajamohan



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C.R.P(MD)No.1933 of 2024:

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M.Balraj

... Petitioner /
Petitioner /
Respondent /
Plaintiff

Vs.

1.Maria Varaprasatham

... Respondent /
Respondent /
Petitioner /
1st Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order setting aside the fair and executable order dated 18.07.2024 passed in the application in I.A.No.9 of 2024 in O.S.No.39 of 2024 on the file of the Subordinate Court, Sattur and allow the same.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.R.Rajamohan

COMMON ORDER

Heard both sides.

2.Thiru.M.Balraj is the petitioner in both the Civil Revision Petitions. He filed O.S.No.39 of 2024 on the file of Subordinate Court,



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Sattur for enforcing his right of preemption and to declare the sale deeds executed by the first defendant in favour of the second defendant as null and void and the sale deed executed by the second defendant in favour of the third defendant as null and void. The plaintiff's case is based on an agreement said to have been executed by the first defendant.

3.The first defendant had obtained private expert opinion to the effect that the signature attributed to him in the said agreement is not his. The report of the private expert was also produced by the first defendant before the Police authorities. The said report refers to the colour xerox copy of the agreement relied on by the plaintiff.

4.The defendant filed an Interlocutory Application before the Court below for referring the document for obtaining official expert opinion; the revision petitioner filed an Interlocutory Application for rejection of the first defendant's application. The case projected by the plaintiff was that since there is no facility for issuing colour xerox certified copy, the document filed by the Court must have been taken outside and there is a possibility that some tampering took place. The



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petitioner's application was rejected while the application filed by the first defendant was allowed. Challenging the same, these Civil Revision Petitions have been filed.

5.The first respondent has filed an affidavit before this Court categorically stating that he obtained only a certified copy from the Court below and later colour xerox copy of certified copy was taken outside and it was that colour xerox copy that was sent to the private expert.

6.This I think clarifies the position. In this view of the matter, interference with the impugned order passed by the Court below is not warranted.

7.These Civil Revision Petitions stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.08.2024

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

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To
The Subordinate Court, Sattur.



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G.R.SWAMINATHAN, J.

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22.08.2024