



WEB COPY

CRP(PD).No.380of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.380 of 2025

and

CMP.No.2247 of 2025

Mrs.Pavun

.. Petitioner

Vs.

Mr.V.A.Balakrishnan

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to allow the CRP and set aside the Docket Order dated 11.11.2024 made in IA.No.5 of 2024 in OS.No.5421 of 2022 passed by the XXI Additional City Civil Court, Chennai.

For Petitioner : M/s.K.Venkateswaran

For Respondent : M/s.M.Jaikumar

ORDER

The defendant is the revision petitioner before this Court challenging the order passed in IA.No.5 of 2024 in OS.No.5421 of 2022 on the file of the XXI Additional City Civil Court, Chennai.



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2. The aforesaid suit had been filed by the respondent/plaintiff for specific performance of an agreement of sale dated 12.02.2007 free from all encumbrances and for a permanent injunction.

3. The defense to this suit is that the alleged agreement of sale was a rank forgery.

4. Therefore, steps have been taken by the respondent/plaintiff in I.A.No.5 of 2024 for appointing an Advocate Commissioner to take the documents for the opinion of the hand writing expert. The said petition was allowed by means of a docket order dated 11.11.2024. Challenging the same, the petitioner is before this Court.

5. Heard the counsels on either side.

6. Considering the facts and circumstances of the case and also considering that the learned Trial Judge after considering the material available on record has rightly allowed the application (I.A.No.5/2022), this Court finds no reason to interfere with the order of the Trial Court hence the Civil Revision Petition stands dismissed.



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7. It is now informed that I.A.No.5/2022 has been closed as contemporaneous documents have not been produced. Therefore considering the above fact although the Civil Revision Petition is dismissed, as and when the petitioner provide the contemporaneous document for the expert's examination, I.A.No.5 of 2022 can be reopened. This observation is made taking into consideration the fact that the sale agreement is disputed by the petitioner. No costs. Consequently, the connected Miscellaneous Petition is closed.

06.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The XXI Additional City Civil Court, Chennai.



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P.T. ASHA. J.,

(shr)

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