



WEB COPY

CRP. No.35 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.06.2025**

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. No.35 of 2025

and CMP. No.289 of 2025

P.Janakiraman

Petitioner(s)

Vs

K.B.P.Sankar (Died)

1.Hemalatha

2.K.Jawarsai

K.Jansi (Died)

3.K.V.K.Haranath

4.K.K.V.Seetharaman

5.J.S.Jayasree

Respondent(s)

PRAYER: This Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30.08.2204 passed in I.A. No.10 of 2024 in O.S. No.161 of 2008 on the file of the learned Additional District Munsif at Tiruvallur.

For Petitioner : Mr.S.R.Karthikeyan

For Respondents : Mrs.R.Abarna for R3



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ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 30.08.2204 passed in I.A. No.10 of 2024 in O.S. No.161 of 2008 on the file of the learned Additional District Munsif at Tiruvallur.

2. Heard Mr.S.R.Karthikeyan, learned counsel for the petitioner and Ms.R.Abarna, the learned counsel for the third respondent.

3. The learned counsel would state that the two suits are being tried jointly viz., O.S. No.161 of 2008 and O.S. No.170 of 2011 before the Additional District Munsif, Thiruvallur. The Revision Petitioner is the defendant in O.S. No.161 of 2008 and the plaintiff in O.S. No. 170 of 2011.

4. The learned counsel for the petitioner would state that for establishing the case of the revision petitioner, the petitioner took out an Application under Section 39 of BSA r/w Order 26 Rule 10(A)(a) of CPC seeking appointment of an Advocate Commissioner to collect Exhibits A2, B1 and B11 from the Court records and to submit the same



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to the Directorate of Forensic Sciences Department for the purposes of comparing the signatures of Ravishankar and Varathan found in those exhibits and to obtain a report regarding the question whether the signatures are by the same person or different persons. The Trial Court has dismissed the Application on 30.08.2024.

5. I have heard the learned counsel for the parties to the Application, especially the contesting respondent/R3.

6. It is seen that the signatures of Varadan and Ravishankar are sought to be compared. However, both the said persons are defendants in O.S. No.170 of 2011, arrayed as defendants 1 and 2. Therefore, it is always open to the petitioner to take out an Application to summon the said defendants 1 and 2 in O.S. No.170 of 2011 before exercising his right to seek comparison as sought for in I.A. No.10 of 2024. No such attempt has been made as on date and I also find that the said Ravishankar and Varadhan have not even filed written statement in O.S. No.170 of 2011.

7. In the light of the above, I do not find any perversity or illegality in the Trial Court dismissing the Application at this stage. However, it is



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open to the revision petitioner to take out an Application to summon the defendants 1 and 2 in O.S. No.170 of 2011 to give evidence regarding their signatures, and in the event of the said Application also not providing results to the petitioner/defendant by way of defendants 1 and 2, not choosing to appear or contesting even the said Application for requiring adjournment, then it shall be open to the petitioner to renew the present request seeking comparison. The dismissal of I.A No.10 of 2024 shall not come in the way of the revision petitioners at that juncture.

8. With the above observations, this Civil Revision Petition is dismissed. Connected Miscellaneous Petition is also dismissed. No costs.

13.06.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The Additional District Munsif at Tiruvallur.

P.B.BALAJI, J.,

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