

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,
KRISHNAGIRI.**

**PRESENT TMT.M.SUMATHI SAI PRIYA M.A., M.L.,
PRINCIPAL SESSIONS JUDGE.**

Friday the 20th day of October 2023.

I.A.No.04/2023 in O.S.No.194/2022

S.Mohammed Sadiq

... Petitioner

..Versus..

1. K.Ravi
2. R.Vinodhkumar
3. K.Mubarak Basha

... Respondent.

This petition has come up on 13.10.2023 before this Court, in the presence of Tr.A.Mohankumar, Counsel for the petitioner and Tr.A.Elango, Counsel for the Respondents No.1 and 2, Tr.A.B.Abdulrahman, Counsel for the Respondent No.3, after hearing both side arguments, upon perusal of records, having stood over till this day for consideration, this Court deliver the following

O R D E R

This petition is filed u/s.45 of the Indian Evidence Act seeking to send the disputed life certificate dated 20.03.2019 attached with the alleged sale agreement along with admitted document to the Government hand writing expert by appointing an advocate commissioner.

Petition averments in brief :

2] The petitioner herein is the 1st defendant in the suit. The Respondents No.1 and 2 herein have filed the suit for the relief of specific performance and also for declaration and also for permanent injunction as against this petitioner the Respondent No.3 herein. The main plea of the petitioner in the suit is that the suit alleged sale agreement dated 22.03.2019 has been created by the Respondents No.1 to 3 with the help of forged and fabricated, impersonated life certificate by making false signature of this defendant herein.

3] The petitioner herein has denied the signature in the life certificate issued by the alleged Doctor which is attached with the alleged registered sale agreement dated 22.03.2019. It is further submitted that if it is proved that the alleged signature in the life certificate is proved to be a forged and fabricated one, it will reduce the petitioners from giving evidence to disprove the case and also it will save the previous time of the court.

4] The plaintiff will not take any steps to prove the that signature in the

Life certificate belongs to the Defendant No.1 herein and hence it is necessary for the petitioner to file the present application in order to prove that the signature in the Life Certificate is a false and forged one. Unless the disputed signature send to the handwriting expert for the purpose of obtaining opinion with the admitted signature, petitioner will be put to great hardship and difficulties. Hence, this petition.

Averments made in the counter filed by 2nd respondent and adopted by the 1st respondent in brief :

5] 2nd respondent herein is the 2nd plaintiff in the suit. The petition is false. The signature mentioned in the Life certificate issued by the Dr.Selvanathan on 20.03.2014 and the same duly signed by the petitioner/defendant -1. The Krishnagiri Joint -2 SRO, has verified all the documents and then the sale agreement was registered as registered sale agreement No.1092/2019 dated 22.03.2019. This petitioner/Defendant No.1 has filed this petition only to drag the case and has no other motive to do with the case. Petition has no merit in accordance with law. Hence, petition may be dismissed.

Averments made in the counter filed by 3rd respondent in brief :

6] The petition is false. This respondent submitted on 25.09.2020 there is deed of compromise document (agreement) between the petitioner and the

respondent. This petitioner has agreed that himself with his own knowledge has cancelled the General power of attorney on 09.09.2020 and the petitioner is agreed that he received Rs.1,10,00,000/- (One Crore Ten Lakhs Rupees) and the balance amount is Rs.2,00,00,000/- (Two crore rupees) after paying this amount by the 3rd respondent. The petitioner agreed to sale the suit property to the 3rd respondent. Hence, the question of life certificate does not arise. The life certificate is Government policy. it does not come under Registration Act, hence, the Government has not formed any G.O for publishing in public. Hence, for this sale agreement dated 22.03.2019 the life certificate does not play any role. Hence, petition is to be dismissed.

7] Point for consideration is whether the petition is to be allowed?

Point

8] Considering the submissions made by the both sides, this Court is of the considered opinion that the petition is to be allowed in order to avoid multiplicity of proceedings and in the interest of timely justice.

In the result, this petition is allowed. Mr.R.Manjunathan, Advocate [MS.No.134/2007] is appointed as Advocate Commissioner. The Commissioner is directed to hand over the sealed cover to the Government Handwriting Expert, Forensic Science Department, Government of Tamil Nadu, Forensic House, Kamarajar Salai, Chennai.4 containing the disputed Life

Certificate Dt.20.03.2019 attached with the alleged fraudulent Sale agreement dated 22.03.2019 along with admitted signature in Document No.Reg.GPA deed dated 22.11.2018 under Document No.4264/2018 and Cancellation of GPA deed dt.09.09.2020 under Document No.2640/2020 and further Two More documents executed before the alleged suit sale agreement if possible to expert opinion. Commissioner's remuneration is fixed as Rs.10,000/- which is ordered to be paid directly to the Advocate Commissioner by the petitioner, after handing over the documents to the above mentioned handwriting expert and to collect report with documents. Call on 05.12.2023.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in the Open Court on this, the 20th day of October 2023.

Principal District Judge,
Krishnagiri.