



CRP.No.6006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 27.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

CRP.No.6006 of 2025
and CMP.No.29719 of 2025

R.Dakshinamoorthy
S/o.T.M.Rajamanickam Sendapriyar
Represented by its Power Agency
Shoba @ R.Muthumanickam

... Petitioner / Plaintiff

Vs

1.Shyamala
2.T.Kannan
3.T.Hari

... Respondents / Defendants

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair order and decretal order in I.A.No.15 of 2025 in O.S.No.21 of 2012 dated 07.10.2025 on the file of Principal District Court, Thiruvarur.

For Petitioner : Mr.V.Raghavachari, Senior Advocate
for Ms.V.Srimathi

For Respondents : Mr.Srinath Sridevan, Senior Advocate
for Mr.A.Mohamed Ismail for R1

Mr.Shankar Murali for R2 & R3



WEB COPY



CRP.No.6006 of 2025



CRP.No.6006 of 2025

WEB COPY

ORDER

This civil revision petition is filed challenging the order passed by the Principal District Court, Thiruvarur, allowing the application in I.A.No.15 of 2015 in O.S.No.21 of 2012 filed by the first respondent / first defendant seeking appointment of Advocate Commissioner to take disputed sale agreement Ext.A1 to the handwriting expert and get his opinion by comparing with the admitted signatures found in Ext.A4 and Ext.B6.

2. The petitioner herein filed a suit for specific performance of agreement dated 06.12.2004, marked as Ext.A1. The first respondent who was arrayed as first defendant in the suit, filed the instant application seeking appointment of Advocate Commissioner to take the disputed sale agreement Ext.A1 to the handwriting expert for the purpose of comparison. The said application was allowed by the trial Court. Aggrieved by the same, the petitioner / plaintiff has come before this Court.

3. Heard Mr.V.Raghavachari, learned Senior Counsel appearing for the petitioner; Mr.Srinath Sridevan, learned Senior Counsel appearing for the first respondent and Mr.Shankar Murali, learned counsel appearing for



CRP.No.6006 of 2025

respondents 2 and 3.

WEB COPY

4. The learned Senior Counsel appearing for the petitioner would submit that the instant application filed by the first respondent/first defendant was allowed by the trial Court by order dated 07.10.2025, without any discussion, and hence, the said order is liable to be set aside.

5. A perusal of the impugned order would reveal that the trial Court by merely citing and extracting the various citations relied on by the learned counsel appearing for rival parties, had recorded the finding that the citations relied on by the petitioner therein was applicable to the facts of the case and had abruptly allowed the application. The said application was opposed by the petitioner/plaintiff by filing a counter affidavit. Though the averments in the counter were extracted in the impugned order, absolutely there is no discussion by the trial Court with regard to the desirability and necessity of getting opinion from the expert. Only in cases where the Court comes to the conclusion that the opinion from the expert will materially help the Court to decide the controversy involved in the suit, the Court shall resort to get an opinion from the expert. However, in the impugned order, absolutely there is



CRP.No.6006 of 2025

no discussion on the merits of the prayer made by the first respondent.

Therefore, this Court has no hesitation in allowing this revision, by setting aside the impugned order passed by the trial Court.

6. Accordingly, this civil revision petition stands allowed and the impugned order passed by the trial Court is set aside. The matter is remanded back to the file of the trial Court with a direction to consider I.A.No.15 of 2025 in O.S.No.21/2012 afresh and dispose of the same on its own merits, after giving due opportunity to both sides to advance their arguments. There shall be no order as to costs. Connected miscellaneous petition is closed.

27.11.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking Order : Yes / No
ds

To:

1.The Principal District Court
Thiruvarur.

2.The Section Officer

5/7



VR Section
High Court, Madras.

WEB COPY



CRP.No.6006 of 2025



WEB COPY



CRP.No.6006 of 2025

S.SOUNTHAR, J.

ds

CRP.No.6006 of 2025

27.11.2025