

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30763/2008

(From the judgement and order dated 13/10/2008 in CRP No. 2819/2008 of The HIGH COURT OF MADRAS)

R.INDIRA & ORS.

Petitioner(s)

VERSUS

K.NATARAJAN

Respondent(s)

(With prayer for interim relief)

Date: 07/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s)

Mr. Nikhil Nayyar, Adv.

Mr. T.V.S. Raghavendra Sreyas, Adv.

Mr. Ambuj Agrawal, Adv.

Ms. Sushila Ram, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

The application for referring the agreement of sale to forensic expert was filed by the petitioners (defendants) even before the commencement of evidence. The issues place the burden on the plaintiff. The High Court by the impugned order has clearly stated that it is for the plaintiff to prove the sale agreement was validly executed. The High Court has further observed that it is for the plaintiff to take steps for examination of the disputed signatures. Again the High Court has stated that when the defendants

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-2-

ITEM NO.27

COURT NO.8

DATED 7.1.2009contd.

deny the signature in a particular document relied on by the plaintiff, it is for the plaintiff to take steps for examination of the disputed signature by sending the document to the handwriting expert.

All this observation are clearly in favour of the defendants. It is for the plaintiff, according to the High Court, to take steps for sending the document for handwriting expert. After the evidence of plaintiff is completed, if the circumstance so warrant, it may always be open to the defendants, to make appropriate application.

In this circumstance, we do not consider it necessary to interfere in this matter. The special leave petition is dismissed.

(Ravi P. Verma)
Court Master

(Anand Singh)
Court Master