



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.622 of 2015 (PD)

and

M.P. (MD) .No.1 of 2015

WEB COPY

P.Paulraj ... Revision Petitioner/Defendent
vs.
V.Pandian ... Respondent/Plaintiff

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 12.12.2014 made in I.A.No.343 of 2014 in O.S.No.25 of 2013 on the file of the Sub-Court, Uthamapalayam by allowing this civil revision petition.

For Petitioner : Mr.K.Guhan

O R D E R

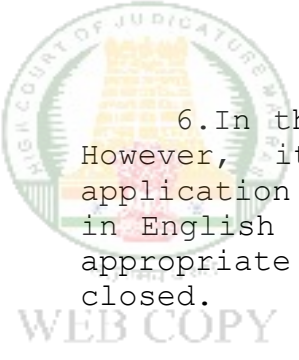
The defendant in the suit for recovery of money, is the revision petitioner before this Court.

2.This revision is filed against I.A.No.343 of 2014 in O.S.No.25 of 2013 on the file of Subordinate Court, Uthamapalayam for sending the documents to a forensic laboratory for comparison of signature.

3.The suit is based on the promissory note dated 19.03.2011. The defendant has denied the execution. Therefore, he contended that the document is a forged one. The defendant was also a councillor of the ward in the year 2011 and he had signed in many of the proceedings. Therefore, he wanted his signature contained on the promissory note should be compared with the signature of the defendant on the Municipal proceedings.

4.It was objected by the plaintiff that after 2006, all the councillor and Panchayat President were directed to affix their signature only in Tamil Language. The revision petitioner was also a Councillor during the relevant period and he was signed only in Tamil Language. Therefore, the signature in Tamil cannot be compared with the signature in English, though it may be of the same person.

5.Though the learned counsel for the revision petitioner contended that there was certain proceedings in which, the defendant had signed in English and that may be compared with the disputed promissory note. However, he himself is not clear as to what are the files in which the revision petitioner/defendant had signed in English. Unless, the documents containing the admitted signature are produced before the Court, the Court will not grant the relief in comparing the signature with the disputed one. As the defendant had not produced the admitted signature, the trial Court has correctly dismissed the application for sending the signature to a forensic laboratory for comparison. I find there is no infirmity or irregularity in the order passed by the trial Court does not warrant interference by this Court.



6. In the result, the civil revision petition is dismissed. No costs. However, it is open to the revision petitioner to file a fresh application to produce the admitted signature of the revision petitioner in English to be compared with the disputed signature of Ex.A.1 and take appropriate orders. Consequently, the connected miscellaneous petition is closed.

/True copy/

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar

To
The Subordinate Judge,
Uthamapalayam.

+1cc to Mr.K.Guhan, Advocate in SR.No.16159

sm:15.04.2015:2P/3C

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