

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) Nos.478, 479/2016

Rajan : Petitioner in both revisions
versus

Palanisamy : Respondent in both revisions

PRAYER: Revision filed against the order dated 30.10.2015, in I.A.Nos.40 of 2015 and 419 of 2015 in O.S.No.516 of 2006 on the file of the First Additional District and Sessions Court, Coimbatore.

For petitioner : Mr.N.Manokaran

For respondent : Mr.R.Bharath Kumar

ORDER

The respondent filed a suit in O.S.No.516 of 2006 on the strength of two documents marked as Exs.A1 and A3. The suit was contested by the petitioner by filing written statement.

2. The petitioner filed two applications. The application in I.A.No.40

of 2015 was filed to send the suit documents for expert opinion. The application in I.A.No.419 of 2015 was filed to receive certain documents which are stated to be of contemporaneous in nature, for comparison. The applications were dismissed by the Trial Court.

3. Heard the learned counsel for the petitioner and the counsel appearing for the respondents.

4. The documents available on record indicate that there was no serious challenge made by the petitioner with regard to the signature found in Exs.A1 and A3. When there was no challenge with regard to the signature and the dispute was with regard to the content of the document, there is no question of sending the signature for expert opinion.

5. In a suit based on promissory note and acknowledgment of liability, it is for the plaintiff to plead and prove that the document was executed by the concerned party. It is not for the petitioner, being the defendant, to prove the negative. The learned trial Judge was therefore perfectly correct in dismissing the applications. I do not find any error or illegality in the orders under challenge warranting interference.

6. In the upshot, I dismiss the civil revision petitions. No costs.

Consequently, C.M.P.No.2444 of 2016 is also dismissed.

02.11.2016

Index:Yes/no
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To

The First Additional District and Sessions Court, Coimbatore.

K.K.SASIDHARAN, J.

(tar)

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