



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.06.2016

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P(MD)No.1155 of 2016

Maruthamuthu .. Petitioner/Petitioner/Defendant

vs.

Kanagavalli .. Respondent/Respondent/Plaintiff

Prayer: Petition filed under Article 227 of the Constitution of India against the fair and decretal order, dated 08.03.2016 made in I.A.No.751 of 2014 in O.S.No.374 of 2010 on the file of the District Munsif Court, Manapparai.

For Petitioner : Mr.R.Venkatesan

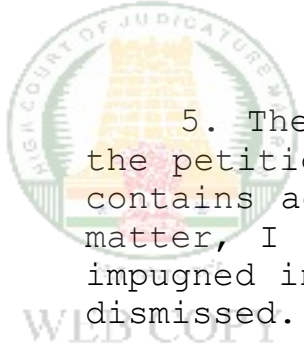
ORDER

This revision is directed against the order passed by the District Munsif Court, Manapparai in I.A.No.751 of 2014 in O.S.No.374 of 2010.

2. The respondent as plaintiff has instituted a suit in O.S.No.374 of 2010 against the petitioner for recovery of Rs.1,00,000/- together with interest on a promissory note, dated 07.02.2009. The petitioner filed a written statement and also contesting the suit. The application filed by the petitioner in I.A.No.751 of 2014 to send the promissory note for opinion of a handwriting expert along with the signature found in vakalat, written statement and acknowledgement card was dismissed by the trial Court. Aggrieved over the order, the present revision is filed.

3. Heard Mr.R.Venkatesan, learned counsel appearing for the petitioner and perused the records.

4. It is seen from the records that the respondent filed the suit in the month of September, 2010 and the trial had commenced in the month of October 2011. When the suit was posted for cross-examination of P.W.1, the petitioner left the suit to be decreed as ex-parte. Subsequently, the ex-parte decree was set aside in I.A.No.522 of 2012 and thereafter, this application was filed.



5. The learned Judge dismissed the application observing that the petitioner has not produced any contemporaneous document which contains admitted signature of the defendant. In such view of the matter, I do not find any illegality or irregularity in the order impugned in the revision. In fine, this Civil Revision Petition is dismissed. No costs.

Sd/
Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

The District Munsif, Manapparai.

+1cc to M/s.R.Venkatesan, Advocate in SR.No.32147

SDR/SK-SKN/28.06.2016/2P/3C

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