



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 23.06.2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

C.R.P (MD) Nos. 681 and 687 of 2016 (PD)

and

C.M.P. (MD) .No. 3209 of 2016

and

C.M.P. (MD) .No. 3225 of 2016

A. Gunaseelan .. Petitioner in both C.R.Ps

vs.

H. Jeyaraman .. Respondent in both C.R.Ps

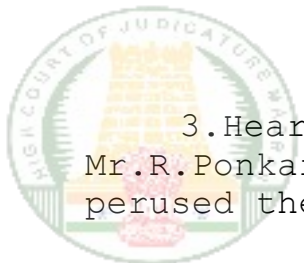
Common Prayer: Petitions filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 29.10.2015 passed in I.A.Nos.64 and 65 of 2015 in O.S.No.13 of 2013 by the learned Subordinate Judge, Virudhunagar District.

For Petitioner : Mr.M.Kannan
For Respondent : Mr.R.Ponkarthikeyan

COMMON ORDER

These revisions are directed against the order dated 29.10.2015 passed in I.A.Nos.64 and 65 of 2015 in O.S.No.13 of 2013 by the learned Subordinate Judge, Virudhunagar District.

2.The respondent as plaintiff filed the suit in O.S.No.13 of 2013 for recovery of Rs.2,21,025/- based on the promissory note dated 09.01.2011. The defendant had filed his written statement disputing his signature in the said promissory note. After completion of the evidence of the plaintiff, when the suit was posted for defendant's side evidence, the defendant filed I.A.Nos.64 and 65 of 2015 to send for the Attendance Register applications and letters pertaining to 2011 to 2012 from his employer ie., State Bank of India, to send the documents for getting opinion from the hand-writing expert. Since these applications were dismissed, the present civil revision petition is filed.



3. Heard Mr.M.Kannan, learned counsel for the petitioner and Mr.R.Ponkarthikeyan, learned counsel for the respondent and perused the materials available on record.

4. The learned counsel for the petitioner would submit that in the written statement itself, the defendant has disputed and denied his signature in the promissory note. Even thereafter, the plaintiff has not taken any steps to get opinion from the hand-writing expert. It is further submitted that to prove the case of the defendant, it would be necessary to send those documents for getting opinion from the hand-writing expert otherwise, he would be prejudiced.

5. Per contra, the learned counsel for the respondent would submit that the suit was filed in the year 2013, based on the promissory note and when the suit was posted for the defendant's side evidence, these applications have been filed belatedly. It is further submitted that he has signed the promissory note in Tamil, but in the maintenance proceedings and in the official register, he has signed in English. Further, he has not pointed out a particular document and he has sought innumerable documents from his employer, hence, it was rejected.

6. It is seen from the records that these applications were filed, when the suit was posted for defendant's side evidence. Moreover, the petitioner has not produced the documents containing his admitted signature. The petitioner has called for the entire records from the bank for the period 2011 to 2012.

7. Considering these aspects, the trial Court, in my considered view rightly, dismissed the applications. I do not find any merit in these revisions. In fine, these civil revision petitions are dismissed. No costs. Consequently, the connected C.M.Ps are closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge, Virudhunagar District.

+1 cc to M/s.M.Kannan, Advocate in SR.No.32859/16

+2 cc to M/s.R.Ponkarthikeyan, Advocate in SR.Nos.32479 & 32480

C.R.P(MD) Nos.681 and 687 of 2016(PD)

and C.M.P. (MD) .No.3209 of 2016

and C.M.P. (MD) .No.3225 of 2016

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