

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

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THE HON'BLE Ms.JUSTICE V.M.VELUMANI

C.R.P.(PD) Nos.1851 & 1852 of 2017
and CMP.No.8897 of 2017 in CRP (PD) No.1851 of 2017

Rajaraman ...Petitioner in both CRPs

Vs

Sowbakkiyammal ...Respondent in both CRPs

Common Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decretal order dated 21.01.2017 passed in I.A.No.345 of 2014 in O.S.No.241 of 2004 and I.A.No.346 of 2014 in O.S.No.241 of 2004 respectively on the file of the District Munsif Court, Panruti (O.S.No.94 of 2001, Sub Court, Panruti).

For Petitioner : Mr. P.Mani

COMMON ORDER

Since the issues involved in both revision petitions are inter-linked, they are taken up together and disposed of by this common order.

2. The petitioner is the defendant and respondent is the plaintiff in the suit in O.S.No.241 of 2004 on the file of the Sub Court, Panruti. The respondent filed the suit for recovery of sum of Rs.30,500/-

from the petitioner. According to the respondent, the petitioner borrowed

money from her by executing the suit promissory note, promising to pay the amount. The petitioner did not re-pay the amount. Therefore, the said suit has been filed.

3. According to the petitioner, he did not borrow the amount as alleged by the respondent and did not execute any promissory note. The respondent has fabricated and forged the signature of petitioner in the suit promissory note. The petitioner filed written statement and is contesting the suit.

4. After framing issues, trial commenced. The respondent was examined in chief and marked the documents. When the suit was posted for cross-examination of P.W.1, the petitioner filed two applications in I.A. No.345 of 2014 and I.A.No.346 of 2014. The application in I.A.No.345 of 2014 was filed seeking a direction to one Balaji to deposit the sale deed dated 12.03.1997, executed by the petitioner and his brother in favour of the said Balaji and the other application in I.A.No.346 of 2014, is for appointing an Advocate Commissioner to hand-over the suit promissory note and the sale deed dated 12.03.1997 to the hand-writing expert for obtaining his opinion with regard to the signatures in the said documents.

5. The respondent opposed the said applications on the ground

that while the petitioner has admitted his signature, he denied the

borrowal of the said amount from the respondent. The petitioner in his written statement has stated that he had borrowed only a sum of Rs.2,500/- that too from the respondent's husband Ranganathan and signed in the revenue stamped blank paper and subsequently, he also repaid the amount. But, the said Ranganathan, the husband of the respondent, did not return the signed blank paper and hence, the signed paper might have been used forgedly by the respondent/plaintiff. Thus, it is a clear abuse of process of law, and therefore, prayed for dismissal of those applications.

6. The learned Judge considering the materials on record, dismissed the application In I.A.No.346 of 2014, on the ground that the petitioner has admitted in his written statement that by signing on the revenue stamped blank paper, he had borrowed the money from the respondent's husband Ranganathan, but now is denying that the said promissory note was not signed by him and it is fabricated by the respondent, which is inconsistent. The learned Judge has also dismissed the other application in I.A.No.345 of 2014 holding that in view of the order passed in I.A.No.346 of 2014, the application filed by the petitioner praying to direct the said Balaji to produce the sale deed dated 12.03.1997, is not maintainable.

7. Against the said order of dismissal dated 21.01.2017

<http://www.judis.nic.in> passed by the learned District Munsif Court, Panruti, in I.A.Nos.345 of

2014 and I.A.Nos.346 of 2014, these civil revision petitions are filed by the petitioner.

8. Heard the learned counsel appearing for the petitioner and perused the materials on records.

9. From the materials available on records, it is seen that the petitioner had admitted his signature in the suit promissory note, but denied that he borrowed the sum of Rs.30,500/- as alleged by the respondent. It is stated that he had borrowed only a sum of Rs.2,500/- from the respondent's husband Ranganathan in the year 1995, upon signing the revenue stamped blank paper and the said amount was re-paid by the petitioner to the said Ranganathan. But, the respondent filed the suit claiming the sum of Rs.30,500/- by producing fabricated or forged promissory note misusing the signed revenue stamped blank paper. The petitioner, thereafter filed the applications in I.A.Nos.345 of 2014 and I.A.Nos.346 of 2014 seeking aforesaid reliefs. The learned trial Judge has held that when the petitioner in his written statement had admitted that he had signed on the revenue stamp in blank paper and borrowed money, and now filing these applications viz., (i) for appointment of Advocate Commissioner to obtain the opinion of hand writing expert and (ii) for a direction to one Balaji to produce the sale deed dated 12.03.1997, would

only show the intention of the petitioner to drag on the suit proceedings, which cannot be entertained in the interest of justice, and hence the trial Court had rightly dismissed the aforesaid applications. This Court does not find any material warranting interference in the orders passed by the trial Court in the aforesaid applications.

10. In the result, the civil revision petitions filed by the petitioner are devoid of merits and hence, the same are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Speaking order / Non Speaking
Index : Yes / No
Internet : Yes / No

15.06.2017

To:

The District Munsif Court,
Panruti.

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C.R.P.(PD) Nos.1851 & 1852 of 2017
and CMP.No.9501 of 2017 in CRP (PD) No.1964 of 2017

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