

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P(PD).No.3529 of 2014

Hussain Banu

.. Petitioner

Vs.

Abdul Kani

.. Respondent

Prayer:- Civil Revision Petition is filed under Article 227 Constitution of India to refer the signature of the plaintiff in plaint copy to compare with signature of the petitioner's document produced before the lower court in Diary Paper in the suit and set aside order dated 19.06.2014 passed in I.A.No.155 of 2014 in O.S.No.361 of 2013 on the file of Principal Subordinate Court, Erode.

For Petitioner : Ms.Nasrine

For Respondent : No appearance

ORDER

The petitioner is the defendant in the suit filed by respondent for recovery of money.

2. During the pendency of the suit, the petitioner / defendant filed a petition in I.A.No.155 of 2014 with a prayer to send the signature of the respondent to the expert of Tamil Nadu Forensic Department at Chennai. The trial court considering the facts and circumstances rejected the relief sought for by the petitioner on the ground that the alleged acknowledgment said to have been signed by the respondent / plaintiff, as produced by the petitioner was xerox copy of the paper and the original document has not been produced before the trial court.

3. Further, no admitted signature of the respondent had been produced before the trial court for the purpose of comparison. The trial court cannot send xerox copy of the signature, for signature verification to the Forensic Department. Even the document supporting original signature along with any other document also had not been produced before the trial court. In the absence of any original signature, the trial court is right in rejecting the petition filed by the petitioner and the

finding of the trial court is convincing and accordingly, this Court is not inclined to consider the grounds of the Revision filed by this petitioner and hence this Civil Revision Petition is dismissed as devoid of merits. No order as to costs. Consequently, connected M.P.No.1 of 2014 is closed.

22.02.2017

ssd

To

The Principal Subordinate Court, Erode.

S.M.SUBRAMANIAM,J.,

ssd

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