

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.04.2017**

CORAM:

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

C.R.P.(P.D.) No. 2717 of 2013 and
MP.No.1 of 2013

Samboornam

...Petitioner

Vs

Samboornam

...Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India as against the judgment and decree dated 29.11.2012 in I.A.No.421/2011 in O.S.No.13/2008 on the file of the Subordinate Judge, Gobichettipalayam.

For Petitioner : Mr.P.R.Balasubramanian
For Respondent : Mr.N.Manokaran

ORDER

The respondent filed a suit for money on the strength of a promissory note alleged to have been executed by the petitioner. Before the trial Court, the petitioner filed a written statement contending that no such promissory note was executed by her.

2. The petitioner filed an application before the trial Court in I.A.No.421 of 2011 to send the suit document for expert opinion. The

application was dismissed by the trial Court with an observation that it is possible for the Court to compare the signature and as such, there is no need to send the document for expert opinion. The said order is under challenge in this civil revision petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The suit in O.S.No.13 of 2008 was instituted by the respondent on the strength of a promissory note. The petitioner has already denied the execution of the promissory note. It is the bounden duty of the respondent to plead and prove that the document in question was executed only by the petitioner and it was supported by consideration. It is not as if the petitioner is bound to prove the negative. The learned trial Judge, considering the background facts had rightly dismissed the interlocutory application in I.A.No.421 of 2011. I do not find any reason to take a different view in the matter.

In the upshot, I dismiss the civil revision petition. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2017

Gms/Asi

To

Subordinate Judge, Gobichettipalayam.

K.K.SASIDHARAN,J.

Gms/Asi

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