



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1618 of 2015

and

M.P. (MD) No.1 of 2015

M.Marivel @ Vetri

...Petitioner/Petitioner/Defendant

Vs.

M.Madasamy

... Respondent/Respondent/Plaintiff

PRAYER:-Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order and decreetal order dated 17.06.2015 passed by the learned Subordinate Judge, Kovilpatti in I.A.No.111 of 2014 in O.S.No.51 of 2012.

For Petitioner :Mr.R.Devaraj

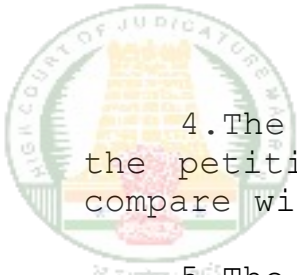
For Respondent :Mr.C.Bharathi

O R D E R

This Civil Revision Petition has been filed against the decreetal order dated 17.06.2015 passed by the learned Subordinate Judge, Kovilpatti in I.A.No.111 of 2014 in O.S.No.51 of 2012.

2.Heard Mr.R.Devaraj, learned counsel for the petitioner and Mr.C.Bharathi, learned counsel for the respondent.

3.The petitioner is the defendant in O.S.No.51 of 2012 and he has filed I.A.No.111 of 2014 for expert opinion by appointing advocate Commissioner regarding the signature of the petitioner found in Ex.A.1 by comparing the same with any of the admitted signature of the petitioner. The petitioner borrowed a sum of Rs.1,90,000/- from the respondent and he has executed a promissory note to that effect. However, the petitioner denied that he has not executed any promissory note in favour of the respondent and he has stated that the respondent has filed the suit with the help



4.The learned Judge dismissed the said I.A on the ground that the petitioner has not produced any contemporaneous document to compare with the forged signature found in the suit pronote.

5.The learned counsel for the petitioner/defendant would submit that the petitioner has not executed any promissory note in favour of the respondent and further he has stated that the respondent has not taken any steps to compare the signature of the petitioner in the alleged promissory note with that of admitted signature of the petitioner in the contemporaneous document.

6.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that he is ready and willing to produce the driving license of the year 2008 before the lower Court for comparison. The learned counsel for the respondent also has no objection for the same.

7.The learned counsel for the petitioner would submit that the suit is pending for the past 5 years, and hence, it may be directed to be disposed of early.

8.Considering the aforesaid submissions, this Court directs the petitioner to file original driving license before the lower Court to be compared with the pronote, on or before 13.11.2017 and on filing such license, the learned Subordinate Judge, Kovilpatti is directed to pass order on the I.A.No.111 of 2014 afresh and after getting the expert opinion. The suit in O.S.No.51 of 2012 shall be disposed of within a period of three months thereafter.

9.With the aforesaid directions the order of the learned Subordinate Judge, Kovilpatti is set aside and accordingly the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.

To

1.The Subordinate Court, Kovilpatti.

2.The Record Keeper, Vernacular Section,

Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.R.Devaraj, Advocate, SR.No. 84397

+1CC to Mr.C.Bharathi, Advocate, SR.No. 84418

C.R.P. (PD) (MD) No.1618 of 2015

and

M.P. (MD) No.1 of 2015