



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G. JAYACHANDRAN

C.R.P. (MD).No.1832 of 2015 (PD) &
M.P. (MD).No.1 of 2015

P.Rosi .. Petitioner/Plaintiff/Petitioner

Vs.

R.Anthoniammal .. Respondent/Defendant/Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records pertaining to I.A.No.373 of 2014 in O.S.No.91 of 2013 on the file of District Munsif Court, Nilakkotai, dated 28.10.2014 and set aside the same and thereby allow the revision.

For Petitioners : Mr.D.Sadiq Raja
For Respondent : No appearance

ORDER

The Interlocutory Application filed by the plaintiff to compare the signature found in sale deed, dated 10.06.2004 with that of settlement deed executed on 02.11.2010 was dismissed by the Trial Court on the ground that the plaintiff who has propounded a document should prove it through the witnesses to be examined on his side. Without resorting to that proceedings, he has sought to compare a document, which was executed 6 years after the disputed document, which is not feasible since the admitted document and the disputed document are not contemporaneous document, but of different period. Aggrieved by this order, the revision petition has been filed on the ground that there is no legal embargo for getting opinion from the hand writing expert, which would effectively assist the Court to reach the just decision.

2. No doubt when the Court feels that the document has to be compared for genuineness, it can do so as per the provisions provided under the Indian Evidence Act. Either, he can compare the signature in his naked eye under Section 73 of the Indian Evidence Act or call for an expert opinion under Section 43 of the Indian Evidence Act.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Here is the case where the Court has felt that the document sought to be compared with the admitted document is not a



contemporaneous document to be compared with and also question of perusal of these two documents does not arise at this juncture. This Court find no error in the said observation. Hence, the revision petition is dismissed.

4. It is always open to the parties concerned, if they want to dispute any document, they can produce any contemporaneous document admitted by both the parties and the Trial Court can refer to any one of the procedures laid down above to compare the signature and arrive at a just conclusion.

5. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Nilakottai.

+ 1 CC TO Mr.D.SADIQ RAJA, ADVOCATE IN SR No. 13942

JIKR

TE/RR : 20/03/2017 : 2P/3C

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