

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No.150 of 2018
and
CMP. No.783 of 2018

A.L.Natarajan

.. Petitioner

Vs

1.A.Prema

2.N.Abarnadevi

3.L.Lavanya Devi

.. Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order so far it relates to document containing admitted signature dated 14.08.2017 viz., the General Power of Attorney for comparison with Ex.A1 containing the disputed signature in I.A. No.307 of 2017 in O.S. No.297 of 2011 dated 08.09.2017 on the file of the learned Principal Subordinate Judge, Salem.

For Petitioner :Mr.S.Kalyanaraman

ORDER

This Civil Revision Petition is filed against order made in I.A. No.307 of 2017 in O.S. No.297 of 2011 dated 08.09.2017 by the learned Principal Subordinate Judge, Salem.

2. The learned counsel for the revision petitioner would submit that, the first respondent has filed a suit in O.S. No.297 of 2011 for recover of money before the Principal Sub Court, Salem. In the aforesaid suit, the revision petitioner, the second and third respondents have filed an application in I.A. No.307 of 2017 for sending the disputed signature in EX.A1 Pro note for comparison with admitted signature in the document produced along with the application. The Court below allowed the said application. However, the Court below had also directed to compare the documents mentioned in the counter affidavit filed by the first respondent herein, to be sent for comparison with the disputed signature in Exhibit. A1, along with documents produced by the petitioner. Challenging the said portion of the order, the petitioner has preferred this Civil Revision Petition before this Court.

3. According to the learned counsel for the petitioner, the respondent has relied upon the documents which is posterior to the execution of the disputed promissory note. But, the Court below without considering the said fact as allowed the request made by the respondent.

4. It is made clear, the revision petitioner can very well agitate the aforesaid objections before the Court below at the time of the trial in the said suit. Therefore, this Court cannot entertain the present Civil Revision Petition for the aforesaid ground.

5. In fine, the Civil Revision Petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. No Cost.

02.02.2018

Index: Yes/ No

Internet: Yes/No

Speaking Order/Non Speaking Order

rkp

To

The learned Principal Subordinate Judge,
Salem

D. KRISHNAKUMAR J.,

rkp



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