

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 492 of 2018
and
C.M.P. No.2574 of 2018

Janshi @ Subbulakshmi

.. Petitioner

Vs

K. Velu

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.11.2017 made in I.A. No. 5992 of 2016 in O.S. No. 2150 of 2015 on the file of V Assistant City Civil Court, Chennai.

For Petitioner : Mr.C. Prabakaran

ORDER

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This revision arises against the fair and decreetal order dated 01.11.2017 made in I.A. No. 5992 of 2016 in O.S. No. 2150 of 2015 on the file of V Assistant City Civil Court, Chennai.

2. The respondent filed the suit in O.S. No. 2150 of 2015 against the petitioner seeking for recovery of money. In the aforesaid suit, the petitioner filed an application in I.A. No. 5992 of 2016 under Order 26 Rule 10 (A) of CPC, seeking to send Document No.1, Pro-note dated 05.04.2012 to the handwriting expert for opinion and report in respect of the signature of the petitioner. The court below dismissed the instant application. Challenging the same, the present civil revision petition is filed before this Court.

3. According to the petitioner, the instant application is filed to send the document, namely, the suit pro-note dated 05.04.2012, to the handwriting expert's opinion, to prove the disputed signature of the petitioner. The court below, without appreciating the same, dismissed the said application.

4. Considering the facts and circumstances of the case and on perusal of the order of the court below, wherein at paragraph 7, it is clearly stated that the petitioner herself has admitted the signature. Her objection is that she had borrowed a sum of Rs.50,000/- only.

Therefore, he did not dispute the execution of pro-note in the written statement. In view of the said findings of the court below, the application filed by the petitioner is not maintainable.

5. Therefore, the Civil Revision Petition fails and the same is dismissed. Consequently, the connected Civil Miscellaneous Petition is closed. No order as to costs.

15.02.2018

Index : Yes/ No

Speaking order/ Non speaking order

[Issue order copy on or before 24.04.2018]

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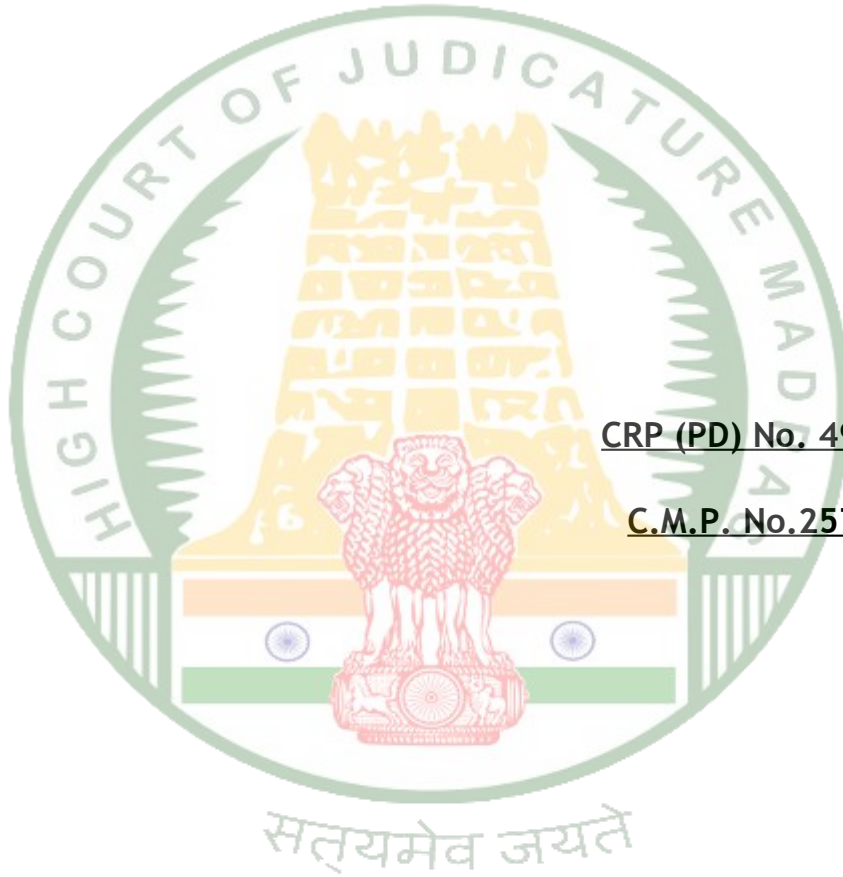
To

The V Assistant City Civil Court,
Chennai.

सत्यमेव जयते
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D. KRISHNAKUMAR J.,

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