



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

C.R.P (MD) No.1758 of 2017 (PD)
and
C.M.P (MD) No.9474 of 2017

P.Jeyaprakash ... Revision Petitioner/Petitioner/Defendant

Vs.

G.Krishnan ... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to pass an order setting aside the fair and decretal order dated 02.04.2017 passed in I.A.No.788 of 2016 in O.S.No.229 of 2012 on the file of the Subordinate Court, Kuzhithurai, and allow the same.

For Petitioner : Mr.C.K.M.Appaji

ORDER

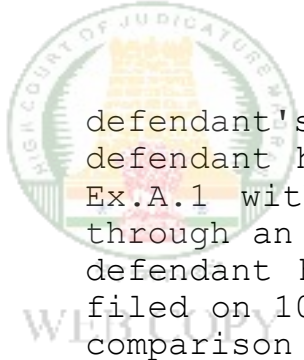
This Civil Revision Petition has been filed challenging the order dated 02.04.2017 made in I.A.No.788 of 2016 in O.S.No.229 of 2012 on the file of the Subordinate Court, Kuzhithurai.

2. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice to the respondent is dispensed with.

3. The facts of the case, in nutshell, are as follows:

The respondent /plaintiff has filed a suit in O.S.No.229 of 2012 seeking the relief of recovery of money. The petitioner is the defendant in the suit. The petitioner contends that by forging his signature respondent/plaintiff created Ex.A.1 Promissory note and filed this suit and in order to prove this fact Ex.A.1 may be sent to expert and signature in Ex.A.1 may be compared with the signatures of the petitioner in written statement and vakkalath.

4. The respondent/plaintiff, before the lower Court, through his counter affidavit denied all the averments made in the affidavit. This petition is filed belatedly only to drag on the proceedings and hence, prayed for dismissal.



defendant's side further evidence. At this stage, the petitioner / defendant has filed this petition wants to compare the signature in Ex.A.1 with his signatures in the written statement and vakalath through an expert. Ex.A.1 is allegedly executed on 05.04.2010. The defendant has filed written statement on 26.04.2013. Vakalath was filed on 10.01.2013. If at all the petitioner could have sought for comparison of signatures in Ex.A.1 with signatures of him found in some other documents, he could have sought for comparison of signature even at the earliest stage. In order to drag on the proceedings, this petition has been filed after completion of four years from the date of suit. More particularly, the suit is pending for more than six years.

6. The trial court, after analysing the entire facts and circumstances of the case, has rightly dismissed the petition. In the light of the above facts, I do not find any perversity or illegality in the order impugned in this revision.

7. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To
The Subordinate Judge,
Kuzhithurai.

C.R.P(MD)No.1758 of 2017 (PD)
and
C.M.P(MD)No.9474 of 2017
08.02.2018

RM
KK/KKR/SAR 1/21.02.2018/ 2P- 2C/