



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM :

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**C.R.P. (MD) (PD) No.2036 of 2017**

**and**

**C.M.P. (MD) No.10152 of 2017**

M.Jeyalakshmi  
Defendant

... Petitioner / Petitioner /

/Vs./

T.Gopinathan

... Respondent / Respondent / Plaintiff

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order 20.07.2017 made in I.A.No.111 of 2017 in O.S.No.360 of 2013 on the file of the Additional Sub Court, Dindigul.

|                |                    |
|----------------|--------------------|
| For Petitioner | : Mr.P.Banuprasath |
| For Respondent | : Mr.R.J.Karthick  |

**ORDER**

The revision petitioner is the defendant in O.S.No.360 of 2013 on the file of the Additional Sub Court, Dindigul. It is a suit for recovery of money. The suit is based on a pro-note. The revision petitioner had filed a written statement denying the signature attributed to her in the suit pro-note. She has specifically alleged a commission of forgery on the part of the plaintiff. In order to compare the disputed signature with what is found in factual in the written statement and Ex.B.8-a registered mortgage deed, the revision petitioner took out an application in I.A.No.111 of 2017. The Court below dismissed the same by order dated 20.07.2017. The correctness of the said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the Plaintiff / respondent placing reliance on the decision of this Court reported in 2006 (3) CTC 39 in the case of Central Bank of India vs. Antony Hardware Mart contended that the disputed signature can be compared with the admitted signature, which cannot be subsequent to the date of the disputed signature.

4. The learned counsel appearing for the revision petitioner on the other hand has relied on the order dated 14.06.2018 in C.R.P.No.339 of 2015.



5. I am of the view that instead of considering the rival contentions, the issue can be resolved in another manner.

6. The fact remains that the defendant has denied the signature attributed to her in the suit pro-note. Therefore, the burden lies entirely on the plaintiff to establish that the signature found in the suit pro-note is that of the revision petitioner herein. It is not for the defendant to break her head. More than anything else, the suit is of the year 2013 and when the matter was posted for argument, the Interlocutory Application came to be filed.

7. It is seen from the impugned order that the defendant side evidence was closed on 04.01.2017. The Interlocutory Application was presented on 31.01.2017. Therefore, the Court below was justified in dismissing the Interlocutory Application and there is no reason for interfering with the well-considered order passed by the Court below.

8. With the above observations, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

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To

1. The Additional Sub Judge,  
Dindigul.

+1cc to Mr. P. Banuprasath, Advocate in SR No. 79463

+1cc to Mr. R. J. Karthick, Advocate in SR No. 79376

**C.R.P. (MD) (PD) No. 2036 of 2017**

NM/RP/SAR 4/26.09.2018/2P/4C