



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) (PD)No.784 of 2016

and

C.M.P.(MD)No.3906 of 2016

Indira ...Petitioner / Respondent / Plaintiff

/Vs./

Veluchamy ... Respondent / Petitioner / Defendant

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 23.11.2015 made in I.A.No.158 of 2013 in O.S.No.38 of 2013 on the file of the Sub Court, Periyakulam, set aside the same and allow this civil revision petition.

For Petitioner	: Mr.V.Janakiramulu
For Respondent	: Mr.P.Muthuvijayapandian

ORDER

The revision petitioner is the plaintiff in O.S.No.38 of 2013 on the file of the Sub Court, Pudukottai. The suit was filed on the strength of the pro-note said to have been executed by the defendant. The defendant disputed the signature in the pro-note. Therefore, the defendant took out an application for referring the pro-note for comparison by a hand-writing expert. The documents for comparison are nothing but the Written statement and the Vakalat, in which, the signature of the defendant appears. The learned Magistrate has allowed the petition. Questioning the same, this civil revision petition has been filed by the plaintiff.

2. It has been held by the Hon'ble Division Bench of this Court reported in 2006 (3) CTC 39 in the case of Central Bank of India vs. Antony Hardware Mart that the disputed signature can be compared with admitted signatures, which are contemporaneous and not with the admitted signatures obtained subsequent to the date of the disputed signature.

3. In any event, comparing the disputed signature with the signature in Vakalat and Written statement has been frowned upon and deprecated. Therefore, the impugned order dated 23.11.2015 made in I.A.No.158 of 2013 in O.S.No.38 of 2013 on the file of the Sub Court, Periyakulam is set aside. But, then the defendant is at



liberty to take out an application for comparing the disputed signature with any admitted signature that is contemporaneous in nature.

4. With this liberty, the civil revision petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Sub Judge, Periyakulam.

2.The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+ 1 CC TO Mr.P.Muthuvijayapandian , ADVOCATE IN SR No. 81281.

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DS SV SAR-1 16.10.2018 2P/5C

Order made in
C.R.P. (MD) (PD) No.784 of 2016

30.08.2018