



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) Nos.932 & 933 of 2016

and

CMP(MD)No.4719 of 2016

WEB COPY

J.Charles Jeyakumar

... Petitioner in both cases

Vs.

K.Jeya Prakash

... Respondent in both cases

Prayer : These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 24.03.2016 made in I.A Nos.360 and 361 of 2014 in O.S No.150 of 2008 on the file of the Sub Court, Padmanabhapuram.

In both cases :

For Petitioner

: Mr.V.M.Balamohan Thambi

For Respondent

: No appearance

ORDER

The petitioner in these civil revision petitions is the plaintiff in O.S No.150 of 2008 on the file of the Sub Judge, Padmanabhapuram. It is a suit for recovery of money. The suit was laid on the strength of a pro-note. The defendant denied his signature in the pro-note. Hence, the revision petitioner took out I.As for referring the document in question for expert opinion. The court below had dismissed the I.As. Questioning the same, these civil revision petitions have been filed.

2.Since the defendant has denied his signature, the burden is on the plaintiff to prove the defendant's signature. In order to discharge the said burden, the I.As were taken out. But, there is delay on the part of the plaintiff/revision petitioner in filing the I.As. It is a money suit. It is also seen that the suit was filed in the year 2008. The written statement was filed in the year 2011. However, in the interest of justice, taking a lenient view, the orders impugned in these civil revision petitions are set aside.

3.These Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar(CS-III)



To

The Sub Judge, Padmanabhapuram.

+1cc to Mr.V.M.Balamohan Thambi, Advocate Sr.No.89774

SKM

VB/PM/SAR3/13.11.2018/2P/3C

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