



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P (PD) (MD) .No.2367 of 2018

and

C.M.P (MD) .No.10585 of 2018

Alagupponnu

... Petitioner

Vs.

Pandeshwari

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order and decree dated 11.09.2018 made in I.A.No.513 of 2018 in O.S.No.116 of 2016 on the file of the District Munsif Court, Nilakkottai, Dindigul District.

For Petitioner

: Mr.S.Ramasamy

ORDER

The defendant in O.S.No.116 of 2016 on the file of the District Munsif Court, Nilakkottai, is the revision petitioner herein. She filed I.A.No.513 of 2018 for comparing the disputed signature with the signatures found in the summon, vakalat and written statement. The Court below dismissed the said Interlocutory Application. The said dismissal order is put to challenge in this Civil Revision Petition.

2. Heard the learned counsel on either side.

3. The revision petitioner disputes the signature found in the rental agreement as well as the rental receipts. Therefore, the burden of proof is squarely on the plaintiff and not on the revision petitioner/defendant. In any event, comparison of the disputed signature with the admitted signatures, that is also contemporaneous alone can be sought. In this case, the revision petitioner seeks comparison with her signature found in the vakalat, summons and written statement. These signatures of the revision petitioner came in to existence, after the dispute arose between the parties. ~~Revisedly, they are not contemporaneous in nature.~~ Therefore, the Court below was justified in dismissing the Interlocutory Application.



4. I find no merit in this Civil Revision Petition and this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CRL.SISE)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The District Munsif Court, Nilakkottai,
Dindigul District.

+1cc to S.Ramasamy, Advocate Sr.No.91840

RMK

MK/SKN/SAR3/04.12.2018/2P/3C

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