

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.644 of 2019

&

C.M.P.No.4286 of 2019

A.Basker

...Petitioner

Vs

A.P.Krishnamoorthi

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and final order dated 14.12.2018 passed by the learned Principal District Judge, Erode in I.A.No.232 of 2018 in O.S.No.139 of 2017.

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For Petitioner : Mr.L.Mouli

ORDER

The above Civil Revision Petition is filed challenging the order of the learned Principal District Judge, Erode in refusing to appoint an Advocate Commissioner to have the suit Cheque sent for a forensic examination since the defendant had denied his signature in the instrument. The said application has been dismissed by the Court below on the ground that the plaintiff had already instituted proceedings under Section 138 of the Negotiable Instrument Act in S.T.C.No.230 of 2017 in that proceedings this defense has not been taken up by the defendant.

2.That apart, the cheque has passed the scrutiny of the Bank Officials and thereafter returned, which only presupposes that the signature found in the cheque is of the revision petitioner. With these findings, the learned Judge had dismissed the application. Challenging the said order the revision petitioner is before this Court.

3.There was yet another finding of the learned Principal District Judge that the defendant had been convicted in the cheque bounce

proceedings. Mr.L.Mouli, learned counsel appearing for the revision petitioner would however contend that on an appeal he has been acquitted. The fact that this defense has not been taken in the criminal Court and the fact that the cheque has passed scrutiny would only show that the cheque contains the signature of the revision petitioner.

I find no infirmity in the order passed by the Court below. In the result, the Civil Revision Petition stand dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

21.02.2019

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Index : Yes/No
Speaking order/non-speaking order

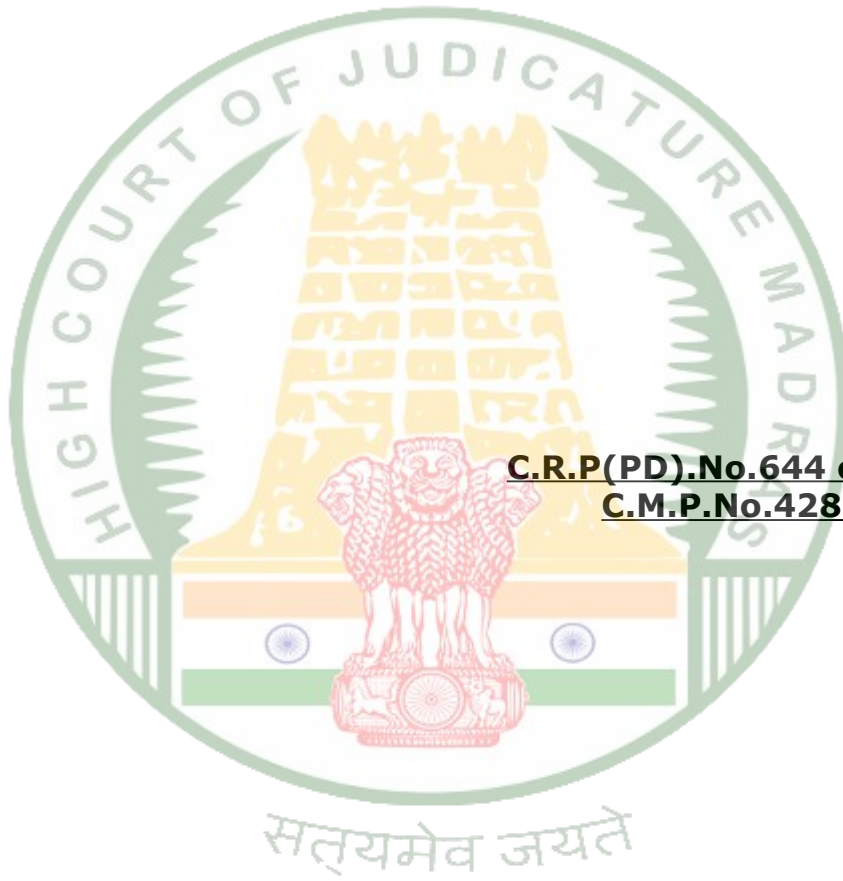
To,

The Principal District Judge,
Erode

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P.T.ASHA, J.,

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