

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.847 of 2019

&

C.M.P.No.5513 of 2019

Veerasamy alias Sigamani

...Petitioner

Vs

Venkatesan

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 03.01.2019 in I.A.No.571 of 2018 in O.S.No.94 of 2017 by the Sub Court, Uthangarai, Krishnagiri.

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For Petitioner : Mr.K.Thiruvengadam

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned Subordinate Judge, Uthangarai, in rejecting the application filed by the revision petitioner/defendant for sending his signature in the disputed promissory note for comparison with the Vakalat, etc., Brief facts preceeding the filing of the above Civil Revision Petition are as follows:

2.The respondent herein has filed a suit O.S.No.94 of 2017 on the file of the Subordinate Judge, Uthangarai for recovery of sum of Rs.1,56,312/- together with interest and cost. The revision petitioner/defendant had filed a written statement as early on 19.09.2017, refuting the signature in the promissory note and stating that the same is a forged one. Despite such a stand taken as early as on 19.09.2017, the revision petitioner/defendant did not take any steps whatsoever to have the signature in the disputed promissory note compared with the contemporaneous document.

3. When the matter was posted for evidence the application has been moved by the respondent for the signature to be compared with his signatures in the vakalat, written statement and the summons. The promissory note is of the year 2015 and the defendant seeks to have the same compared with documents of the year 2017/2018.

4. The learned Subordinate Judge, Uthangarai after hearing both parties has dismissed the said application stating that the comparison can be done only with contemporaneous documents and the documents with which the signature is now sought to be compared are not contemporaneous documents.

5. Challenging the said order the defendant/revision petitioner is before this Court. Heard the counsel appearing on behalf of the petitioner. It is a settled principle of law that the signature in a disputed document has to be compared with signatures contained in contemporaneous documents. The practice of comparing the signature with the pleadings, vakalat etc, has been deprecated as there is a tendency for executant to deliberately change the signature and therefore the comparison would not be a true comparison. The

revision petitioner has not filed any documents, which is contemporaneous to the said promissory note. Therefore, I find no infirmity in the order passed by the learned Subordinate Judge, Uthangarai.

The Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

05.03.2019

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

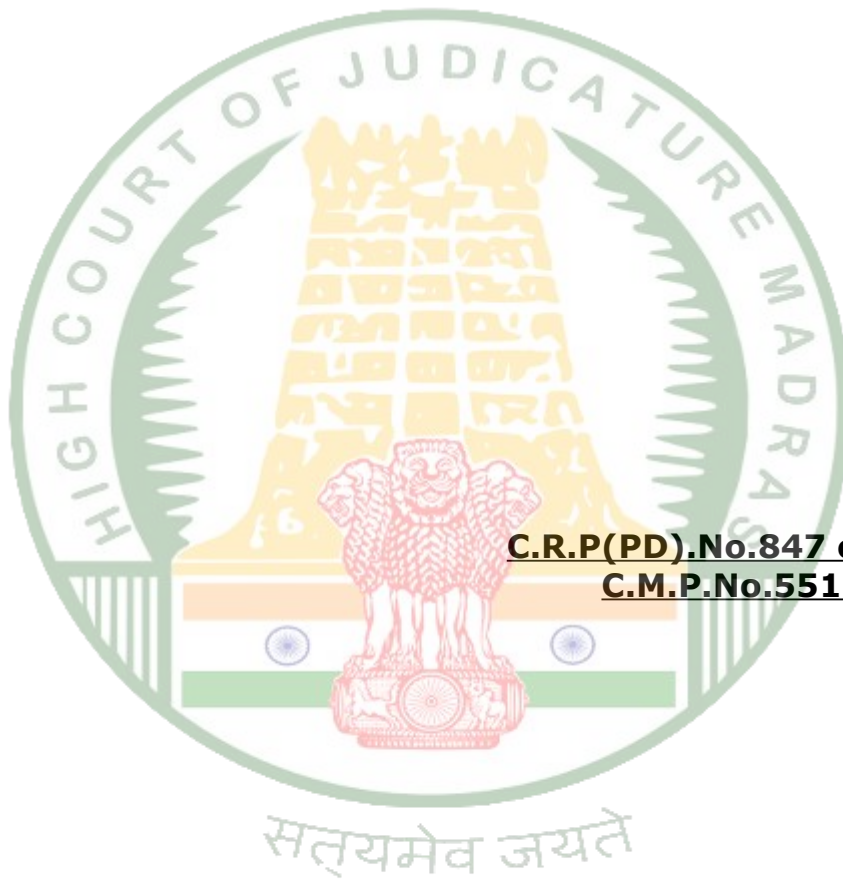
To,

The Subordinate Judge,
Uthangarai,
Krishnagiri.

सत्यमेव जयते
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P.T.ASHA, J.,

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