



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.R.P (PD) (MD)No.1203 of 2012

and

M.P. (MD) .No.1 of 2012

Selvaraj .. Petitioner / Respondent/Defendant
Vs.

Maniappan .. Respondent / Petitioner / Plaintiff

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and final order, dated 09.12.2011 in I.A.No.414 of 2011 in O.S.No.80 of 2005, on the file of the Sub Court, Pudukkottai.

For Petitioner : Mr.G.Sridharan

For Respondent : Mr.R.P.Ramachanthiran

ORDER

This Civil Revision Petition has been filed challenging the fair and final order passed by the Court below allowing the application filed by the respondent to call for certain documents from the Tamilnadu Electricity Board, where the petitioner was working, pertaining to the period from 2000-2003.

2. The respondent/plaintiff filed a suit for recovery of money based on a promissory note. The petitioner/defendant defended the suit mainly on the ground that the signature found in the promissory note is not his signature and therefore, he disputed the signature. The respondent filed an application for calling for certain records in order to compare the signature in those documents with the signature found in the promissory note. The respondent had called for the records from the Tamilnadu Electricity Board for the period 2000-2003, since the signatures found in those documents are the signatures, which are contemporaneous to the alleged signature made in the promissory note. This application has been allowed by the Court below and aggrieved by the same, the present petition has been filed.

3. The learned counsel for the petitioner/defendant submitted that the documents that have been called for from the Tamilnadu Electricity Board for the period 2000-2003 will not have any bearing



in comparing the signature and the same has been done only to harass the petitioner. The learned counsel further submitted that the Court below merely allowed the application on the ground that no prejudice will be caused to the petitioner. Therefore, the order passed by the Court below requires interference.

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4. The learned counsel for the respondent/plaintiff submitted that the Court below has given sufficient reasons for allowing the application. That apart, the burden of proof is upon the plaintiff to establish the signature found in the promissory note, since the petitioner has disputed the signature.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. This Court does not find any illegality or infirmity in the order passed by the Court below. The Court below has rightly held that in view of the fact that the petitioner has disputed the signature found in the promissory note, the respondent had to take such a step and the documents sought for are contemporaneous documents, which could be made use to compare the signature with the signature found in the promissory note. The Court below has also categorically found that ultimately the Court is not going to decide the case only based on the expert report and the Court is going to look into all the other materials before coming to the final conclusion. This Court does not find any ground to interfere with the order passed by the Court below.

7. In the result, this Civil Revision Petition is dismissed and the Court below is directed to complete the proceedings in O.S.No.80 of 2015 within a period of four months from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

PJL

To

The Subordinate Judge, Pudukkottai.

+1 CC to M/s.R.P.RAMACHANTHIRAN, Advocate (SR-92961[F] dt.18/10/2019

+1 CC to M/s.G.SRIDHARAN, Advocate (SR-92982[F] dated 18/10/2019)

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