



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRP. (MD) .No.1550 of 2012(PD)

and

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

1. P.Natarajan
2. S.Sankaranarayanan

.. Petitioners/Petitioners/
Defendants

Vs.

Canara Bank, Arulananadha Nagar, Thanjavur,
Represented by its Senior Manager and
Power Agent,
Nanjikkottai Road,
Arulanandha Nagar,
Thanjavur Town and Munsif.

.. Respondent/Respondent/
Plaintiff

PRAYER: This Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 14.03.2012 made in I.A.No.196 of 2011 in O.S.No.74 of 2010 on the file of the Additional Subordinate Judge, Thanjavur, by allowing this Civil Revision Petition.

For Petitioners : Mr.V.George Raja
for M/s. Ajmal Associates
For Respondent : Mr.C.Jawahar Ravindran

O R D E R

This Civil Revision Petition has been filed against the fair and final order passed by the Court below, dismissing the application filed for comparison of signature found in Ex.A.3 and to get an expert opinion regarding the same.

2. The respondent / plaintiff filed a suit before the Court below for recovery of money based on a pronote, which is said to have been executed in the year 2004. The respondent has also relied upon a Loan Application that was executed by the first defendant. The respondent has taken a specific plea in the plaint to the effect that both the principal borrower and the co-obligant have executed an Acknowledgement of Debt on 23.04.2007 and this document has been marked as Ex.A.3 before the Court below. The defendants denied the signature found in the said document and claimed it to be forged and



therefore, wanted this document to be sent for expert opinion in order to compare the signature.

3. The application was allowed by the Court below and the Court below was insisting the petitioners / defendants to produce contemporaneous document of the year 2007. Since the same was not produced, the Court below proceeded to dismiss the main petition itself by an order dated 14.03.2012.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent.

5. The Court below after allowing the petition to compare the signature found in Ex.A.3 and to get an expert opinion could have sent this document along with the Loan Application and the pronote which were marked as Ex.A.1 and Ex.A.2 and this could have solved the whole problem. The contemporaneous document by definition only means that a document which came into existence in or around the same period. It need not be exactly the same year or the same date during which the disputed document came into force. The Court below took a very literal meaning of the term contemporaneous document. The Court below could have easily sent the document Ex.A.3 along with the admitted signatures in Ex.A.1 and Ex.A.2 and the problem could have been solved very easily. The Court below took a very hypertechnical view and as a result of the same, the suit is kept pending for a number of years,

6. In the result, the fair and final order passed by the court below in I.A.No.196 of 2011 in O.S.No.74 of 2010, is hereby set aside. The Court below is directed to send the disputed document viz., Ex.A.3 along with the admitted documents viz., Ex.A.1 and Ex.A.2 for comparison of signatures and it shall obtain an expert opinion. The petitioners shall pay the entire cost towards the same. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order. The main suit itself shall be disposed of within a period of three months thereafter.

7. This Civil Revision Petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)



To

The Additional Subordinate Judge,
Thanjavur.

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Copy to:

The Record Keeper, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-94841[F] dated
30/10/2019)

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25.10.2019

TSG

MK (18.11.2019) 3P 5C