



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP (MD) No.563 of 2019

and

C.M.P. (MD) No.2814 of 2019

1.P.Amutha
2.P.Ananth
3.P.Subhaselvarani
4.P.Kavitha Jansi Rani
5.P.Prabha Maha Rani
6.P.Philips Rajan
7.P.Muthu Mathi Ezhil Rani ... Petitioners/Petitioners/Defendant

vs.

Canara Bank,
Thoothukudi,
Chidambaram Nagar Branch,
through Branch Manager ... Respondent/Respondent/Plaintiff

PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.1022 of 2018 in O.S.No.196 of 2013 on the file of the Subordinate Judge, Thoothukudi dated 25.01.2019.

For Petitioners : Mr.S.Kadarkarai

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed in I.A.No.1022 of 2018 in O.S.No.196 of 2013 on the file of the Subordinate Judge, Thoothukudi dated 25.01.2019.

2.Before the trial Court, the petitioners herein are the defendants and the respondent herein is the plaintiff. For the sake of convenience, the parties will be referred to as per their rank before the trial Court.

3.I.A.No.1022 of 2018 was filed by the defendants to appoint the Advocate Commissioner and to send the admitted and disputed document to handwriting expert and called the report with costs.

4.The defendants contended that the 8th defendant has not



executed the so called document of revival letter dated 21.06.2010 to the plaintiff but based on the said document created fraudulently, the plaintiff has filed a suit in O.S.No.196 of 2013.

5.The signature of the 8th defendant M.Dhanapandian has been manipulated in the said document, Ex.B7 and it is not a signature of

the 8th defendant. The other contention raised by the defendants is that the 8th defendant has not given any letter of acknowledgment of debt and further, they contended that only Ex.A7, dated 21.06.2010, in which, the signature of 8th defendant was forged by the plaintiff and his employees. Based on the signature found in the document Ex.A7, Ex.A6 was invented in Ex.A7 and hence, the defendants filed a petition in I.A.No.1022 of 2018 to compare the signature found in Ex.A7 by comparing the same with the signature found in Ex.A6. The document, Ex.A6, was executed on 31.10.2007.

6.The plaintiff contended that he has no objection to send the document for comparing the signature found in Ex.A6 and Ex.A7 and the trial has also been commenced before the trial Court. However, the objection raised by the defendants is that the plaintiff cannot restrict himself to compare the signature found in the documents Ex.A6 and Ex.A7 alone. Hence, the signature obtained in the Vakalat and the written statement are all after filing of the suit i.e., after 2013 and hence, he prayed the signature of the 8th defendant found in some other document has also to be sent for comparing the signature in the said documents.

7.After observing the contention raised on either side, the trial Court has given a finding that the defendants have not produced the document relating to the relevant period, in which, his signature is admitted for comparing the signature that is found in the document filed before the trial Court. In the disputed document, the 8th defendant has affixed his signature and thump impression but the thump impression was not mentioned by the defendants. Hence, the trial Court has given a finding that the petitioner has produced the admitted signature in the document, after the date of the disputed document for comparison and for comparing the signature, more than 5 admitted signatures are required and the instructions issued by the Forensic Science Lab has also been narrated by the trial Court, whereas, the defendants have not filed any admitted signature which contains the signature for the said relevant period except the document Ex.A6.

8.The defendants filed the said I.A., only to compare the signature of the 8th defendant. The plaintiff is also ready and willing for such comparison and analysis by expert but he sought for the defendants have to file some other documents of the relevant period. The trial Court is of the view that when the signature is very much disputed by the defendants, the defendants ought to have filed other registered documents, which is containing the signature of the 8th defendant and hence, there is no irregularity in the



order of the trial Court, which does not warrant any interference of this Court.

9.If the defendants are obliging the order dated 25.01.2019 by filing some other admitted signature of the 8th defendant in the registered document for the said period, the plaintiff has no objection for that.

10.In the absence of filing those documents, the order passed in I.A.No.1022 of 2018 in O.S.No.196 of 2013 on the file of the Subordinate Judge, Thoothukudi dated 25.01.2019, is very much reasonable and there is no merit in this Civil Revision Petition.

11.This Civil Revision Petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

To

The Subordinate Judge,
Thoothukudi.

+1 CC to M/s.S.KADARKARAI, Advocate in SR-55676

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PK/23.04.2019 : 3P/3C