

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.03.2020

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

1. CRP(PD).No. 1035 of 2020

Rajalakshmi ..Petitioner/ Petitioner /Defendant

Vs
Jothi Chettiayar ... Respondent/ Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the order dated 12.02.2020 passed in I.A. No. 313 of 2019 in O.S. No. 34 of 2016 by the Sub Judge, Cheyyar.

For Petitioner : Mr.S.Vijayanand

O R D E R

The Civil Revision Petition is filed against the order dated 12.02.2020 passed in I.A. No. 313 of 2019 in O.S. No. 34 of 2016 by the Sub Judge, Cheyyar.

2. Heard the learned counsel appearing for the petitioner and perused the documents available on record.

3. The respondent herein has filed a suit in O.S. No. 34/2015 before the Sub Court, Cheyyar against the petitioner herein for recovery of money under the promissory note dated 12.02.2014. The petitioner herein has filed written statement and proof affidavit was also filed by the petitioner herein. The petitioner herein has filed an application in I.A. No. 313 of 2019 to refer the alleged promissory note dated 12.02.2014 marked as Ex.A1 to the Forensic Department for Expert Opinion to determine the age of ink used for signature in the alleged promissory note. The Court below has rejected the said application filed by the petitioner herein. Challenging the same, the present Civil Revision Petition is filed.

4. The learned counsel for the petitioner submitted that the Court below has erroneously dismissed the said application, since the petitioner has sought for expert opinion to determine the age of the ink used in the alleged promissory note dated 12.12.2014. The learned counsel further submitted that the revision petitioner has specifically denied the disputed

signature in her written statement, but the trial Court without considering the same, has erroneously dismissed the aforesaid application filed by the revision petitioner, Therefore, the said order of the trial Court is liable to be set aside.

5. According to the respondent, petitioner has filed the said interlocutory application after the respondent was cross examined along with the witnesses. The respondent side evidence is already closed and now the case is pending for petitioner's side evidence and at this stage, the petitioner has filed the said application, only in order to harass the respondent.

6. It reveals from the records that the respondent herein had filed the suit in O.S.No. 34 of 2016 against the petitioner herein for recovery of money in the year 2016 and issues were framed on 16.08.2017 and posted for evidence on 06.09.2017. The respondent side evidence was closed on 09.04.2019. The petitioner had not filed the evidence and instead, she filed the I.A.No. 313 of 2019 seeking expert opinion to determine the age of the ink used in the alleged promissory note.

7. Further, the Court below has rightly considered the fact that the respondent's side evidence was closed on 09.04.2019 and thereafter, the case was posted defendant's side evidence. The petitioners had not filed the evidence and instead, they filed petition seeking expert opinion at a belated stage which cannot be entertained, hence there is no face on the contention of the petitioner in the present Civil Revision Petition.

8. In view of the above facts and by relying upon the decision of this Court in the case of P.Stanley Buella Vs. D.Govindan (A.S.No. 719 of 1998) reported in (2009) 7 MLJ 908, this Court with no hesitation has come to conclusion that the Court below has rightly rejected the petitioner's application and nothing warrants to interfere with the aforesaid order passed by the Court below.

9. In the result, the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition if any, is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
The Subordinat Judge, Cheyyar.

A.SK (07/08/2020)

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