

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.2553 of 2018
and CMP No.15458 of 2018

N.T.G.Lakshmanan

... Petitioner

Vs

Amutha

... Respondent

Prayer: The Civil Revision petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 05.09.2017 made in I.A.No.20 of 2017 in O.S.No.110 of 2017 on the file of the Sub Court, Jayankondam and allow the Civil Revision Petition.

For Petitioner : Mr.M.Senthil Vadivu

For Respondent : Mr.M.Kavikannan

ORDER

The defendant in O.S.No.110 of 2017 has come up with this revision, challenging an order, dismissing his application seeking to refer the suit promissory note for expert opinion.

2. The defendant filed a written statement denying the execution of the Promissory note. The suit was originally filed before the Sub Court, Ariyalur and soon after filing the written statement, the defendant followed it up with an application seeking reference of the document to an expert. This was opposed by the plaintiff contending that the same is luxurious petition filed to drag on the proceedings.

3. The learned trial Judge dismissed the application on the sole ground that the defendant has not produced the admitted signature along with the petition.

4. I have heard Mrs.M.Senthilvadivu, learned counsel appearing for the petitioner and Mr.M.Kavikannan, learned counsel appearing for the respondent.

5. Mrs.M.Senthilvadivu, learned counsel appearing for the petitioner would submit that the defendant is ready to produce the admitted signature as and when required by the Court and therefore the trial Court was not right in dismissing the application on that short ground. Reference of a document to an expert is a method of proving document. When a party seeks assistance of the Court to establish his contention by producing an expert opinion within a reasonable time, the Court must always lend a helping hand to such parties without dismissing the application on technical grounds. The Court should have directed reference of the document along with an admitted signature to be produced by the defendant. Dismissal of the application would only result in multiplicity of proceedings and because of the order, the suit is delayed by almost three years now.

6. I am therefore of the opinion that the order of the trial Court is to be set aside and it is accordingly set aside. The defendant/petitioner is directed to produce the admitted signatures of the defendant within a period of one year prior to the execution of the Promissory note. The admitted signature shall be produced before the trial Court on or before **01.02.2021**

and on receipt of the admitted signature, the trial Court shall appoint an Advocate Commissioner to enable comparison of the admitted signature with the signature found in the suit promissory note by the Government Expert. No costs. Consequently, connected miscellaneous petition is closed.

17.12.2020

Note: Time bound order

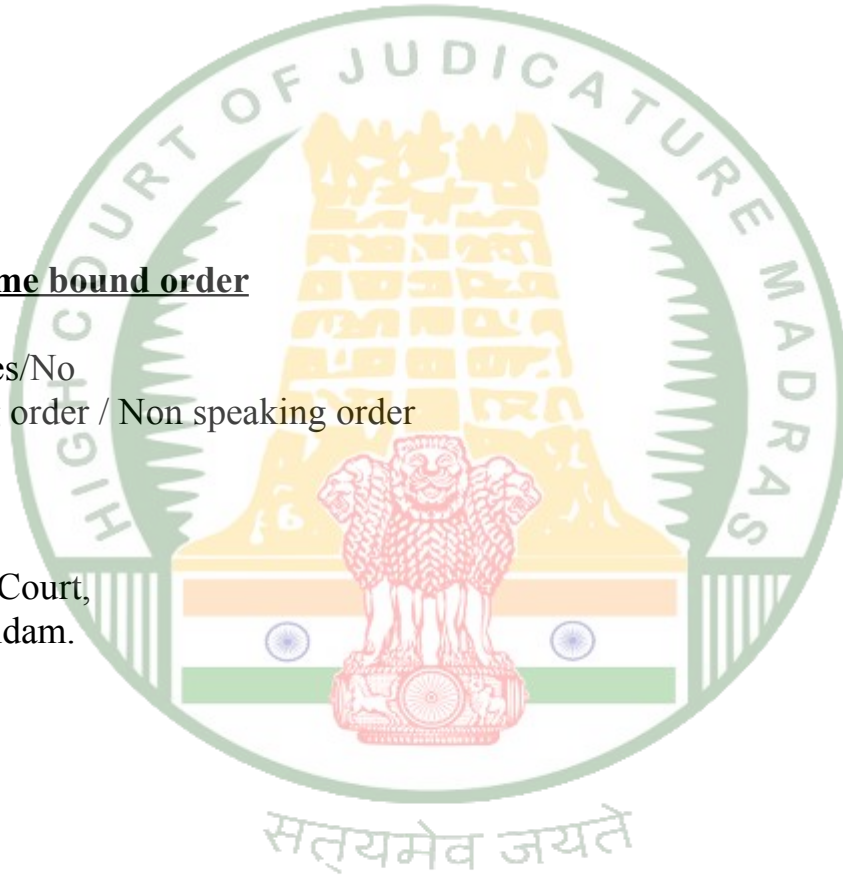
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Index: Yes/No

Speaking order / Non speaking order

To:

The Sub Court,
Jayankondam.

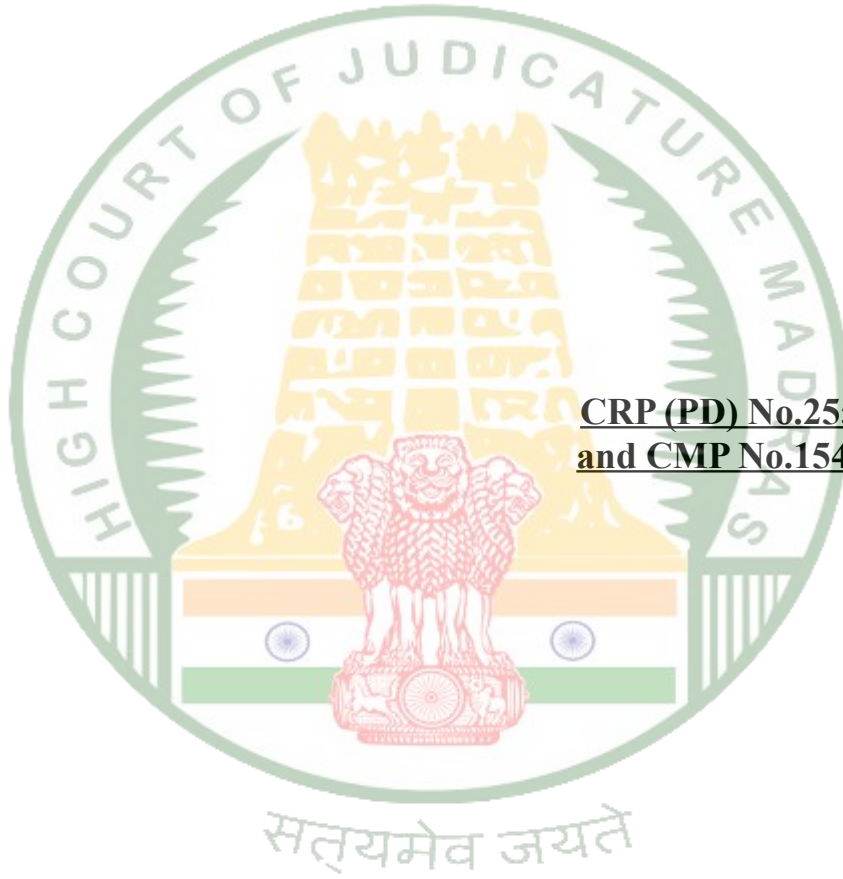


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R.SUBRAMANIAN, J.

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