

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 23RD DAY OF JANUARY 2020

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A.No.8971 of 2018

in

C.S.No.715 of 2015

DINGO COMMODEAL PVT.LTD.,
Represented by its Director,
Mr.Ritesh M Jain,
S/o.Mr.Madanlal,
No.33, Lawyer Chinnathambi Street
Kondithope, Chennai 600 079 ...Plaintiff

-Vs.-

1.AKB & SONS REALITY PVT.LTD
Represented by its Directors
and Authorised Signatories,
Mrs.Amita Bishnoi,
W/o.Mr.Ajay Kumar Bishnoi,
Flat No.5, New No.58, Old No.48
3rd Main Road, Kasturibai Nagar,
Adyar, Chennai 600 020

2.Mrs. Amita Bishnoi,
W/o. Mr.Ajay Kumar Bishnoi,
Flat No.5, New No.58, Old No.48
3rd Main Road, Kasturibai Nagar,
Adyar, Chennai 600 020

3.Mr.Akshay Kumar Bishnoi,
S/o.Mr.Ajay Kumar Bishnoi
Flat No.5, New No.58, Old No.48,
3rd Main Road, Kasturibai Nagar,
Adyar, Chennai 600 020 ...Defendants

A.No.8971 of 2018:

1.AKB & SONS REALITY PVT.LTD.,
Represented by its Authorised Signatory
M.Sivanandam,
Flat No.5, New No.58, Old No.48,
3rd Main Road, Kasturbhai Nagar,
Adyar, Chennai-600 020. ..Applicant/1st Defendant

1.Dingo Commodeal Pvt. Ltd.,
 Represented by its Director Mr.Ritesh M.Jain
 S/o.Mr.Madanlal,
 No.33, Lawyer Chinnathambi Street,
 Kondithope,
 Chennai-600 079. ..1st Respondent/Plaintiff

2.Mrs.Amitha Bishnoi W/o.Ajay Kuamr Bishnoi
 Flat No.5, New No.58, Old No.48,
 3rd Main Road, Kasturibai Nagar,
 Adyar, Chennai-600 020. ..2nd Respondent/
 2nd Defendant

3.Mr.Akshay Kumar Bishnoi,
 S/o.Mr.Ajay Kumar Bishnoi,
 Flat No.5, New No.58, Old No.48,
 3rd Main Road, Kasturibhai Nagar,
 Adyar, Chennai-600 020 ..3rd Respondent/
 3rd Defendant

Application praying that this Hon'ble Court be pleased to pass a judgment and decree against the Respondent under Section 45 & 73 of the Indian Evidence Act, read with Order XXVI, Rule 10-A and Section 75(e) of the Civil Procedure Code, 1908 to appoint an expert and issue a commission under Order XXVI, Rule 10-A and Section 75(e) of Civil Procedure Code, 1908, read with Sections 45 & 73 of Indian Evidence Act to such person as it may deem fit directing him to enquire into such questions and the veracity of 9 promissory notes dated 19.06.2015 and report thereon to the Court.

This Application coming on this day before this court for hearing, the court made the following order:

This application is filed to appoint an expert to verify the veracity of the signatures found in the disputed cheques.

2.A perusal of the affidavit filed along with the application does not provide any admitted signatures for the expert to compare the disputed signatures found in the cheques relied by the plaintiff for testing the genuineness of the signatures. Such test can be done by the expert, only if the admitted signature is available for him for comparison. Furthermore, the admitted signatures must be a contemporaneous document executed during the same period, when the disputed documents alleged to have executed.

3.In this affidavit, this Court does not find any such admitted signatures for comparison. Hence, this application is closed with liberty to file fresh application with appropriate and necessary materials.

Sd/-G.J.J
23/01/2020

//Certified to be true copy//

Dated at Madras this the day of 2020.

JJ 31/01/2020

COURT OFFICER(O.S.)

सत्यमेव जयते

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