



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2020

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(MD) No.2276 of 2013(PD)

and

M.P(MD)No.1 of 2013

Bhaskaran Nair

... Petitioner/Petitioner/
Plaintiff

-Vs-

Harichandran

... Respondent/ Respondent/
Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 19.06.2013 passed in I.A.No.622 of 2012 in O.S.No.6 of 2010 on the file of Subordinate Court, Kuzhithurai and allow this Civil Revision Petition.

For Petitioner : Mr.J.Anandhavalli
For Respondent : Mr.S.C.Herold Singh

O R D E R

This Civil Revision Petition has been filed against the order of the trial Court dismissing the application filed by the plaintiff in the suit for recovery of money seeking to refer the signatures found in the suit promissory note with that of the admitted signatures of the defendant on the ground that the admitted signatures are not available.

2. It is seen from the records, particularly, the additional typed set of papers filed by the learned counsel for the petitioner that the respondent/defendant has got an account with Canara Bank, Kulashekaram Branch through which, he had issued the cheque in favour of one B.Sajeon. The Bank must be in possession of the admitted signature of the respondent/defendant. It is also seen from the evidence recorded in the proceedings under Section 138 of the Negotiable Instruments Act before the Nedumankadu Judicial First Class Magistrate that the respondent has admitted the issuance of cheque, dated 25.02.2009 in favour of B.Sajeon.



3. In view of the same, this Civil Revision Petition is allowed, order of the Sub Court, Kuzhithurai dismissing the application for referring the suit promissory note to the expert is set aside with liberty to the petitioner to send for the documents from Canara Bank, Kulashekaram Branch by taking out an appropriate application and have the admitted signatures compared with disputed signatures. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar(CS)

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To

The Sub Judge, Kuzhithurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-6890[F] dated 18/02/2020)

+1 CC to M/s.J.ANANDAVALLI, Advocate (SR-7008[F] dated 19/02/2020)

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