



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (PD) (MD)No.1009 of 2019

and

C.M.P. (MD)No.5579 of 2019

Harun Nathar Sha

: Petitioner

.. Vs ..

Sheik Abdul Kadhar

: Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.155 of 2018 in O.S.No.10 of 2015, dated 09.01.2019 on the file of the Principal District Court, Tirunelveli.

For Petitioner :Mr.A.Manikandan
for Mr.S.B.Kamalanathan
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ORDER

This Civil Revision Petition is directed against the order passed by the learned Principal District Judge, Tirunelveli, in I.A.No.155 of 2018 in O.S.No.10 of 2015, dated 09.01.2019.

2.Heard the learned Counsel appearing for the petitioner.

3.The revision petitioner is the defendant in the suit in O.S.No.10 of 2015 on the file of the Principal District Court, Tirunelveli. The respondent herein filed the suit against the revision petitioner for recovery of money.

4.It is the case of the revision petitioner in the written statement that the entire loan was repaid and that a receipt was also handed over to the defendant. He has also examined PW-2, who is the attesting witness to the receipt. It appears that the the witness examined on behalf of revision petitioner denied the attestation during cross examination. Therefore, the revision petitioner filed an interlocutory application in I.A.No.155 of 2018 to send the document, Ex-A1 and Ex-A8 for handwriting expert opinion for comparison of the signature of PW-2 through Advocate Commissioner.



5.The learned Principal District Judge, Tirunelveli, dismissed the application on the ground that the revision petitioner had earlier filed a petition in I.A.No.191 of 2016 to compare the signature of the respondent/plaintiff in the receipt, dated 29.01.2013 and that opinion was also obtained regarding the same and that the present application lacks *bona fides*. Aggrieved by the same, the above revision petition is filed.

6.It is stated that the expert has already given opinion that the signature in the receipt is not the signature of respondent. The second application to compare the signature of attesor of the receipt is not necessary nor can be entertained belatedly. The petitioner has filed an application earlier and he never thought of seeking comparison of signature of attesting witness and therefore, this Court is unable to find fault with the order of lower Court dismissing the application filed by the revision petitioner for the second time. The order is perfectly in order.

7.As a result, this Civil Revision Petition is dismissed and the order passed by the learned Principal District Judge, Tirunelveli, passed in I.A.No.155 of 2018 in O.S.No.10 of 2015, dated 09.01.2019, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Principal District Judge, Tirunelveli.

2.The Section Officer,
V.R.Section,

Madurai Bench of Madras High Court, Madurai.(2 Copies)

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PM(CO)

NR (05.10.2020) 2P 3C