

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

C O R A M

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**C.R.P.(NPD)No.2420 of 2013**

1.Krishnan

2.Durai Arasan

... Petitioners

Vs.

K.Parvathi

... Respondent

**Prayer:** Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order of the learned Subordinate Judge, Thirupattur, Vellore District dated 10.10.2012 in I.A.No.58 of 2012 in A.S.No.26 of 2011 and to order the said I.A.as prayed for.

For Petitioners : Ms.Leela Raman

For Respondent : Mr.PA.Sudesh Kumar

\*\*\*\*\*

**ORDER**

This Civil Revision Petition is filed against the fair and decretal order dated 10.10.2012 passed in I.A.No.58 of 2012 in A.S.No.26 of 201 on the file of the learned Subordinate Judge, Thirupattur, Vellore District, thereby dismissing the petition to send the disputed document Ex.B.1 for handwriting expert opinion for comparing the signature of the respondent in the proof affidavit, disposed appeal, summon and Vakalat.

2. The petitioners are the defendants in the suit filed by the respondent herein for recovery of money on a pro-note.

3. A perusal of the written statement filed by the petitioners reveals that while borrowing the loan, the respondent obtained signature of the petitioners in an unfilled pro-note as security. After discharging the entire loan, the petitioners repeatedly requested the respondent to return the said pro-note. Therefore, the petitioners never disputed the signature in the pro-note and they failed to file petition for comparing the signature found in the pro-note and admitted signature to an handwriting expert. The suit was decreed in favour of the respondent and aggrieved by the same, the petitioners filed the appeal suit. In the appeal suit, they have filed the present petition only to protract the

proceedings and as such, the First Appellate Court rightly dismissed the petition and this Court finds no illegality or infirmity in the order by the Court below.

4. Accordingly, the Civil Revision Petition is dismissed. The trial Court is directed to dispose of the case within period of three (3) months. No order as to costs.

**10.03.2021**

bri

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

To

The Subordinate Judge,  
Thirupattur, Vellore District.

WEB COPY

**G.K.ILANTHIRAIYAN, J.**

bri



**C.R.P(NPD)No.2420 of 2013**

WEB COPY

**10.03.2021**