

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

**THE HON'BLE Ms. JUSTICE R.N.MANJULA**

C.R.P.(NPD).No.3180 of 2013  
and M.P.No.1 of 2013

1.M.Venugopal (Died)

2.M.Sriram

... Petitioners/Judgment Debtor

*[2<sup>nd</sup> petitioner brought on record as LR of the deceased sole petitioner viz., M.Venugopal vide Order of Court dated 23.01.2020 made in CMP.No.23933, 23942 & 23945 of 2019 in CRP.No.3180/2013 by T.K.R, J.]*

Vs.

G.Kishore

... Respondent/Decree holder

**PRAYER :** The Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed by the learned X Assistant Judge, City Civil Court, Chennai in memo dated 26.09.2012 in E.A.No.2137 of 2012 in E.P.No.764 of 2009 dated 07.08.2013 and prays for setting aside the same.

For Petitioners : Mr.V.V.Sairam

For Respondent : No Appearance

**ORDER**

*(Heard through video conferencing)*

This Civil Revision Petition has been filed against the order of the learned X Assistant Judge, City Civil Court, Chennai dated 07.08.2013 in E.A.No.2137 of 2012 in E.P.No.764 of 2009.

2. The Civil Revision Petitioners are the petitioner/judgment debtor.

3. The petitioner/judgement debtor has filed a memo of objection in E.A.No.2137 of 2012. The petition copy of E.A.No.2137 of 2012 is not available on file. However, it is submitted by the learned counsel for the revision petitioner that it is a petition filed for getting a report from a handwriting expert by comparing the signature. But it is seen from the records that the petition filed for comparing the signature by the judgement debtor before the Executing Court has been filed in E.A.No.2130 of 2011 only. In that case, E.A.No.2137 of 2012 could not be the petition filed under Section 45 of the Evidence Act for comparison of signature. It is seen from the order passed in E.A.No.2130 of 2012, on 03.09.2012 that the learned Executing Judge has allowed the petition. However, the judgement debtor has chosen to file a memo of objection by stating that the sample signatures which were obtained for comparison, do not relate to the contemporary period in which the execution petition has been filed and hence those signatures are not sufficient for sending them to the handwriting expert.

4. While hearing the arguments of the learned counsel for the revision petitioner, it was clarified as to who was the person came to Court on the alleged day for giving the sample signatures. The learned counsel for the

revision petitioner submitted that he was not the decree holder and he must be some other person.

5. If the person who attended the Court and gave the sample signature was not the decree holder but a stranger, it is immaterial to get his contemporary signatures. Because the comparison is going to be done with the signatures of the decree holder as found in the plaint and the signatures affixed in the Execution Petition. If the contention of the Civil Revision Petitioner is that some third party has managed to execute the decree by forging the signature of the original decree holder, there is no point in insisting the contemporary signature to be obtained from the alleged stranger. Hence this objection itself is unnecessary and the whole exercise regarding this, is wasteful. Therefore, I find no merit in this petition.

In the result, the Civil Revision Petition is dismissed. No costs.  
Connected miscellaneous petition in M.P.No.1 of 2013 is closed.

**16.04.2021**

Speaking  
Index : Yes  
Internet : Yes

***Sni***

**R.N.MANJULA,J.**

**Sni**

To

- 1.The X Assistant Judge,  
City Civil Court,  
Chennai.
- 2.The Section Officer,  
V.R.Section,  
High Court, Madras.



C.R.P.(NPD).No.3180 of 2013

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