



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

S.A.No.44 of 2012

and

M.P.No.1 of 2012

Palani ... Appellant/Appellant/Defendant

Vs.

Senthilnayagam ... Respondent/Respondent/Plaintiff

Second Appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 29.10.2010 in A.S.No.15 of 2010 on the file of the Principal District Judge, Cuddalore confirming the judgment and decree dated 05.01.2006 in O.S.No.86 of 2002 on the file of the Sub Judge, Panruti.

For Appellant : No appearance

For Respondent : Mr.K.Moorthy

JUDGMENT

There is no representation on behalf of the appellant.

2.This appeal has been filed by unsuccessful defendant and the appellant before the Principal District Judge, Cuddalore.

3.The learned counsel for the respondent submits that he has already informed to the learned counsel for the appellant that the sole respondent has died. This appeal not been admitted till date.

4.The respondent/plaintiff had filed a suit for recovery for a sum of Rs.3,25,750/- consisting of Rs.2,50,000/- as a principal amount of Rs.75,750/- as the interest from 27.10.1999 up to 08.05.2002 at the rate of 12% per annum. The appellant herein had contested the suit before the Trial Court in O.S.No.86 of 2002 and the suit was decreed as prayed for and as against the decree passed by the Trial Court, the appellant



herein had filed the first appeal before the Principal District Judge, Cuddalore in A.S.No.15 of 2021.

4.The First Appellate Court by its judgment and decree dated 29.10.2010 in A.S.No.15 of 2010 had dismissed the appeal filed by the appellant herein. The appellant has questioned the wisdom of the Trial Court and the First Appellate Court and has raised the following substantial questions of law:-

(i)Whether the Courts below are correct in law in decreeing the suit on the basis of the opinion formed on comparing the disputed signature by assuming the role of an expert despite the fact that the execution of the promisory note is denied.

(ii)Whether the courts below are correct in law in decreeing the suit on the basis of the opinion formed on comparing the disputed signature even without specifying as to what are the salient features on which the finding is arrived at.

5.From a reading of the above, it is clear that no substantial questions of law arises for consideration in this appeal. Therefore, this appeal is liable to be dismissed. Accordingly, this appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To:

1.The Principal District Judge, Cuddalore.

2.The Sub Judge, Panruti.

+1cc to Mr.K.Moorthy, Advocate SR.No.29267

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GPL (CO)
CB(22/11/2021)