

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).Nos.4663, 4664 and 4665 of 2014
and M.P.No.1 of 2014(03 Nos)

S.Anand

...Petitioner in
all the C.R.P's.

Vs

Gokulakrishnan

...Respondent in

C.R.P.Nos.4663 and 4665 of 2014

Nagamanickam

...Respondent in

C.R.P.No.4664 of

2014

Prayer in C.R.P.No.4663 of 2014: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 22.04.2014 passed in I.A.No.583 of 2013 in O.S.No.4 of 2009 on the file of District Munsif, Pollachi and consequently direct the court below to send the suit pro-note and plaint to the Director, State Forensic Laboratory, Chennai-4, along with the "Xerox copies of pro-note and plaint" taken during inspection on 26.10.2009, through the Advocate Commissioner to be appointed.

Prayer in C.R.P.No.4664 of 2014: Civil Revision Petition filed under

Article 227 of the Constitution of India to set aside the fair and decretal order dated 22.04.2014 passed in I.A.No.584 of 2013 in O.S.No.5 of 2009 on the file of District Munsif, Pollachi and consequently direct the court below to send the suit pro-note and plaint to the Director, State Forensic Laboratory, Chennai-4, along with the "Xerox copies of pro-note and plaint" taken during inspection on 26.10.2009, through the Advocate Commissioner to be appointed.

Prayer in C.R.P.No.4665 of 2014: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 22.04.2014 passed in I.A.No.585 of 2013 in O.S.No.6 of 2009 on the file of District Munsif, Pollachi and consequently direct the court below to send the suit pro-note and plaint to the Director, State Forensic Laboratory, Chennai-4, along with the "Xerox copies of pro-note and plaint" taken during inspection on 26.10.2009, through the Advocate Commissioner to be appointed.

In all the C.R.P's.:

For Petitioner : Mr.V.Chokalingam

For Respondent : Mr.D.R.Arunkumar

COMMON ORDER

The Civil Revision Petitions have been filed as against the fair and decretal order dated 22.04.2014 passed in I.A.Nos.583, 584 and 585 of 2013 in O.S.Nos.4, 5 and 6 of 2009 on the file of District Munsif, Pollachi

and consequently direct the court below to send the suit pro-notes and complaints to the Director, State Forensic Laboratory, Chennai-4, along with the "Xerox copies of pro-notes and complaints" taken during inspection on 26.10.2009, thereby dismissed the petition to refer the original documents viz., pro-notes and complaints for the handwriting expert's opinion with the photo copies.

2. In all the Civil Revision Petitions the petitioner is the defendant and the respondent is the plaintiff. The respondent filed a suit for recovery of money on the strength of pro-notes. After examining P.W.1, the petitioner filed this petition to send the documents for handwriting expert's opinion for the reason that the petitioner was permitted to inspect the suit documents and he had taken photographs of the suit pro-notes. Thereafter, he found that the pro-notes which were filed along with the complaints were corrected and thereby witnesses were filled up as well as the date of pro-notes were corrected. Thereafter the complaint itself was corrected as the plaintiff name as Nagamanickam in O.S.No.6 of 2009. Therefore, the petitioner filed a petition to send pro-notes as well as the complaints for the expert's opinion-State Forensic Laboratory for scientific verification as to its genuineness.

3.This Court called for original records from the Court below. The O.S.No.4 of 2009 dated 15.06.2006 and the plaint dated 05.01.2009 was compared with the photo copies produced by the petitioner. Likewise, the photo copies of the pro-note and the plaint in O.S.No.5 of 2009 dated 20.06.2006, 05.01.2009 compared with the original records. Further, the pro-note dated 12.06.2006 and 05.01.2009 were compared with the original plaint and pro-note in O.S.No.6 of 2009.

4.According to the learned counsel for the petitioner, the date of the pro-note in O.S.No.5 of 2009 and the witness in pro-note were corrected after inspection. Therefore photo copy of the pro-note and plaint in all the suits have to be compared with original pro-notes and plaints. However, the Court below dismissed all the petitions for the reason that the documents which are sought to be sent for expert's opinion had been taken photo copy of the original documents by inspection and the prayer sought for by the petitioner does not have merit for consideration.

5.Considering the above, the orders passed by the Court below dated 22.04.2014 passed in I.A.Nos.583, 584 and 585 of 2013 in O.S.Nos.4, 5 and 6 of 2009 on the file of the District Munsif, Pollachi, is set

aside and the trial Court is directed to send the documents which were produced by the petitioner i.e., photo copy of the pro-notes and plaint in all the suits and the original pro-notes and plaints filed before the trial Court for expert's opinion from the handwriting expert, after receipt of the expert's opinion, the trial Court is directed to dispose of the main suit within a period of three months.

With the above direction, the Civil Revision Petitions are allowed.
No costs. Consequently connected miscellaneous petition is closed.

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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23.02.2021

To
The District Munsif, Pollachi.

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G.K.ILANTHIRAIYAN.J,

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