



CRP (PD) No.2624 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

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and

CMP No.19469 of 2021

D.Shanmugam

... Petitioner

Vs

P.Anbalagan

... Respondent

Prayer: The Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 06.03.2021 in I.A. No.01 of 2020 in O.S. No.36 of 2014 on the file of the Subordinate Judge, Bhavani.

For Petitioner : Mr.A.Thiyagarajan

ORDER

The challenge in this Revision is to an order of the Trial Court dismissing the application filed by the petitioner seeking a direction to PW3 to write a document and send it for comparison with the suit promissory



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note which has been marked as Ex.A1.

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2. In a suit filed for recovery of money on the basis of the promissory note, the petitioner who is defendant has taken a defence that his signature was obtained by force in a blank promissory note and the same has been filled up later. Therefore, the petitioner admits his signature in the promissory note. Under Section 20 of the Negotiable Instruments Act, a holder of the promissory note or holder in due course is entitled to fill it up. The presumption under Section 118 of the Negotiable Instruments Act would apply to such instrument also. The petitioner seeks extraordinary relief to compare the writing in the promissory note by requiring PW3 to execute or write a document. This, in my opinion, cannot be allowed. The Trial Court was justified in dismissing the application. Once the defendant/ executant admits the signature, whether the promissory note is filled up by A or B or C, does not a matter. In as much as Section 20 of the Negotiable Instruments Act vests the power in the holder or holder in the due course to fill up the instrument and sue upon it. I do not see any reason to interfere with the order of the Trial Court. Hence, the Revision fails and it is



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accordingly dismissed. No costs. Consequently, the connected Civil

Miscellaneous Petition is closed.

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ab/vum

Index: Yes/No

Speaking order / Non speaking order



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To:

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1. The Subordinate Judge,
Bhavani.
2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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R.SUBRAMANIAN, J.

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