

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

**C.R.P.(PD) No.3003 of 2018
and
CMP No.17411 of 2018**

Srinivasa Naidu (Deceased)

1. Jaya
2. Chitra
3. Kavitha

... Petitioner

Vs

Dhamodaran

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 25.07.2018 made in I.A.No.462 of 2018 in O.S.No.187 of 2012 on the file of the Sub Court, Udumalpet.

For Petitioners : Mr.A.Panneer Selvam

For Respondent : Mr.S.Kaithamalai Kumaran

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 25.07.2018 made in I.A.No.462 of 2018 in O.S.No.187 of 2012 on the file of the Sub Court, Udumalpet, thereby dismissing the petition to

send the documents for hand writing expert opinion.

2. The petitioners are the defendants and the respondent is the plaintiff. The respondent filed a suit for recovery of money on the strength of the pro-note as against the deceased first defendant. The deceased first defendant filed a written statement as early as on 17.01.2013, thereby denied the very execution of the pro-note itself. Thereafter, he died and his legal representatives were impleaded as defendants. When the trial was commenced, the plaintiff examined the witnesses and the defendants also cross-examined them. When the suit was posted for defendants side evidence, they have taken so many adjournments and only in the year 2018 they filed a petition to send the suit promissory note along with the admitted signature to the forensic lab for hand writing expert opinion. That apart, the petitioners did not annex any admitted signature of the deceased first defendant along with the petition. There is no sufficient reason for the delay in filing the petition, that too, after a period of six years. Therefore, the Court below rightly dismissed the petition.

3. In view of the above, this Court finds no infirmity or illegality

in the order passed by the Court below. Accordingly, the Civil Revision Petition stands Dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

30.06.2021

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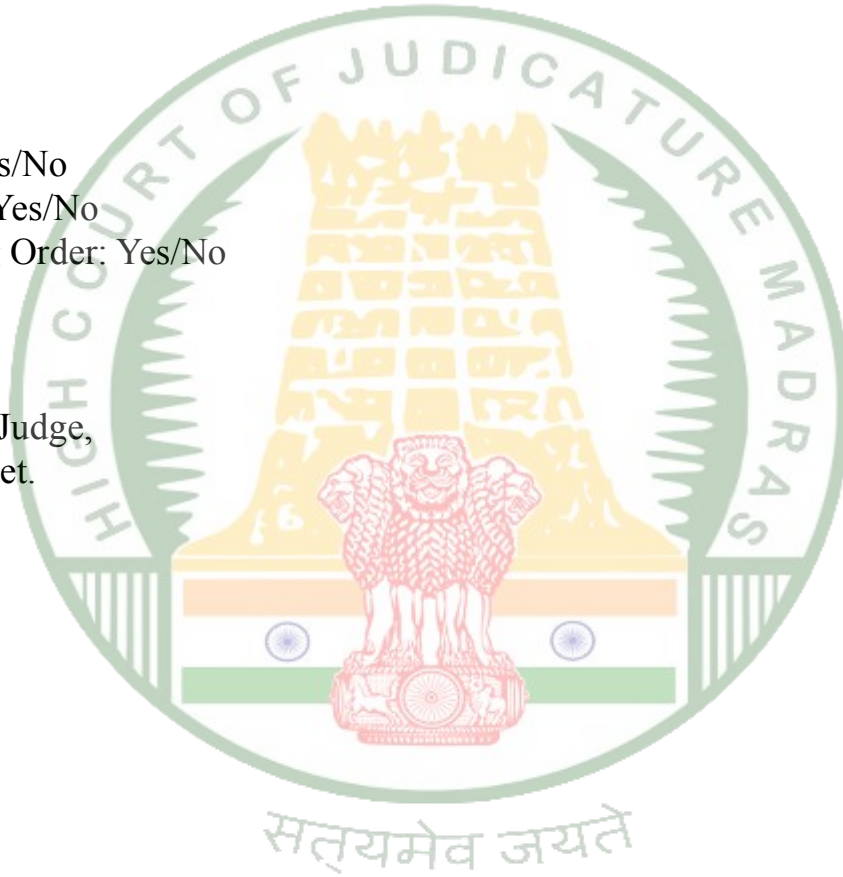
Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

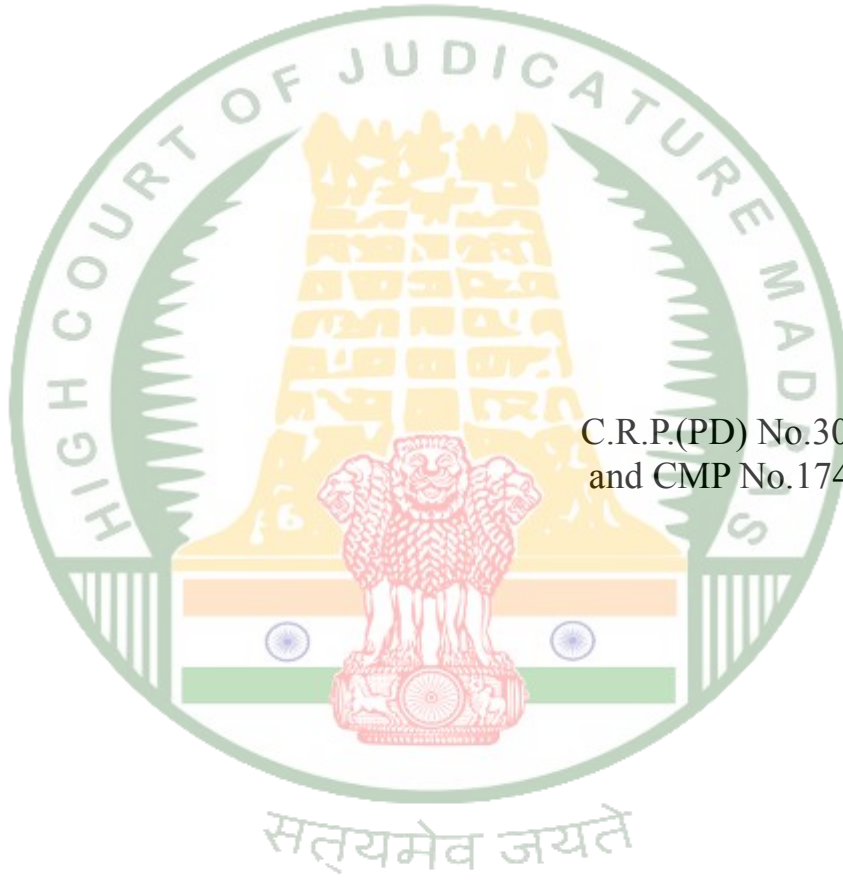
To

The Sub Judge,
Udumalpet.



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G.K.ILANTHIRAIYAN,J.



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