



C.R.P(NPD).No.666 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.666 of 2022
and C.M.P.No.3409 of 2022

S.Uthirakumar

... Petitioner

..Vs..

G.Sekar

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 03.12.2021 made in I.A.No.1 of 2019 in O.S.No.197 of 2017 on the file of the learned Subordinate Judge, Gudiyattam, Vellore District.

For Petitioner : Mr.R.Vinoth Kumar

For Respondent : Mr.K.A.Ravindran

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Subordinate Judge, Gudiyattam, Vellore District, dated 03.12.2021, made in I.A.No. 1 of 2019 in O.S.No.197 of 2017.



C.R.P(NPD).No.666 of 2022

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2.The revision petitioner is the defendant and the respondent/plaintiff has filed a suit for recovery of money. During the pendency of the suit, the defendant filed a petition in I.A.No.1 of 2019 for seeking the disputed signature on the pro-note to be compared with the admitted signatures by a hand writing expert and get his report. The petition was dismissed. Aggrieved over that, the revision petitioner has preferred this revision.

3.The learned counsel for the petitioner submitted that when the defendant denied the signature on the pro-note, he has the duty to prove before the Court that he did not affix his signature on the pro-note. The learned trial Judge has dismissed the petition without properly appreciating the facts and hence, the order needs to be set aside.

4.The learned counsel for the respondent submitted that only in the reply notice sent by the revision petitioner, he admitted his liability and



C.R.P(NPD).No.666 of 2022

as an after thought he filed this petition just to drag on the proceedings.

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However, if there is a vast difference in the signature in the pronote and the other admitted signatures of the defendant that can be examined by the Court itself by exercising the power of the Court vested under Section 73 of Evidence Act. Even if the documents are sent for expert analysis and the expert offers an opinion that can be considered as a conclusive proof and it can only have a collaborative effect.

5.The revision petitioner has not filed this petition at the earliest point of time, but he had chosen to file shortly before the commencement of trial. The learned trial Judge had observed that the delay can be avoided and there are other ways and means through which the revision petitioner can disprove the claim of the plaintiff. I find no factual or legal infirmity in the order of the learned Subordinate Judge, Gudiyattam, Vellore.



C.R.P(NPD).No.666 of 2022

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6. Accordingly, the Civil Revision Petition is dismissed and the order of the learned Subordinate Judge, Gudiyattam, Vellore District, dated 03.12.2021, made in I.A.No. 1 of 2019 in O.S.No.197 of 2017, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.06.2022

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Index:Yes No

Speaking Order:Yes/No

To

- 1.The Subordinate Judge,
Gudiyattam, Vellore District.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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C.R.P(NPD).No.666 of 2022

R.N.MANJULA,J.

Vkr

C.R.P.(NPD).No.666 of 2022
and C.M.P.No.3409 of 2022

22.06.2022