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C.R.P(PD).No.995 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.995 of 2022
and C.M.P.No.5162 of 2022

1.Vasantha
2.Shankar
3.Vanitha
4.Sangeetha

... Petitioners

..Vs..

Muniyammal

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 22.02.2022 passed in I.A.No.212 of 2019 in A.S.No.21 of 2019 on the file of the learned Principal District Judge, Villupuram.

For Petitioners : Mr.K.M.Ramesh

For Respondent : Mr.J.Agni Selvaraja

O R D E R

This Civil Revision Petition has been preferred challenging the order of the learned Principal District Judge, Villupuram, dated 22.02.2022, made in I.A.No.212 of 2019 in A.S.No.21 of 2019.



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2.The revision petitioners are the defendants in the suit. The respondent/plaintiff has filed the suit for recovery of money on the basis of the promissory note. The suit was decreed as prayed for and the same was challenged by the defendants by way of preferring an appeal in A.S.21 of 2019. Pending the appeal, the defendants have filed a petition to send the signature in Ex.A1- suit promissory note to get the opinion of a hand writing expert, after comparing it with the admitted signatures of the deceased husband of the first defendant. The said petition was dismissed. Aggrieved over that, the petitioners/defendants have filed this revision petition.

3.The learned counsel for the petitioners submitted that the defendants have denied the liability and the genuineness of the promissory note in their written statement itself and it is the duty of the defendants to prove that the signatures on the suit promissory note were not the signatures of the husband of the first defendant and the learned



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trial Judge failed to consider the necessity to send the disputed documents for expert opinion and dismissed the petition.

4.The learned counsel for the petitioners submitted that the revision petitioners who are the defendants, are estopped from filing this petition because even during the cross examination of the first defendant, she had stated that the documents will not be sent for comparison; for the purpose of comparison, no contemporary documents have been produced; and the learned trial Judge has rightly dealt the issues before him and dismissed the petition.

5.On perusal of the records, it is seen that the first defendant who was examined as D.W.1 has stated that she is not going to take any steps to compare the signatures found in the Ex.A1/suit promissory note. Even when the suit was pending, no such steps was taken and to get opinion of the expert. Even while filing such petition, the comparison was sought to be made in a sale deed, in which the husband of the first defendant has



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affixed his signatures, in the year 1999. Since the sale deed is of the year 1999, it is not contemporaneous to the suit promissory note. The suit promissory note was said to have been executed in the year 2014 and without the production of any contemporaneous documents, no purpose will be served by sending the documents for comparison. Further, the opinion of the expert is not a conclusive proof and it can only be taken as a corroborative factor along with other facts proved and materials produced before the Court. Apart from that, the Court itself has got power under Section 73 of the Indian Evidence Act, to do comparison, if the defendants could show before the Court that there are differences in the signatures of the disputed documents.

6.Under such circumstances, I do not find any factual or legal infirmity in the order of the learned trial Judge.

7.Accordingly, this Civil Revision Petition is dismissed and the order of the learned Principal District Judge, Villupuram, dated 22.02.2022,



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made in I.A.No.212 of 2019 in A.S.No.21 of 2019, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is also closed.

23.06.2022

vkr

Index:Yes No

Speaking Order:Yes/No

To

- 1.The Principal District Judge,
Villupuram.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA,J.

Vkr

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