



WEB COPY



C.R.P.(PD).No.1731 of 2022 and
C.M.P.No.8735 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P (PD).No.1731 of 2022 and
C.M.P.No.8735 of 2022

Saravanan

... Petitioner

Vs.

1.N.Gowthaman

2.Sabeer Ahamed

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the decreetal order dated 17.03.2022, made in I.A.No.4 of 2022 in O.S.No.34 of 2020, on the file of the Court of Dharmapuri District Additional Judge at Dharmapuri.

For Petitioner : Mr.M.Senthilkumar

ORDER

This civil revision petition has been preferred to set aside the decreetal order dated 17.03.2022, made in I.A.No.4 of 2022 in O.S.No.34 of 2020, on the file of the Court of the Additional Judge at Dharmapuri, Dharmapuri District.



C.R.P.(PD).No.1731 of 2022 and
C.M.P.No.8735 of 2022

WEB COPY

2. Heard the learned counsel for the petitioner.

3. The revision petitioner is the defendant in the suit. The respondents are the plaintiffs who have filed the suit for recovery of money on the basis of the promissory note alleged to have been executed by the revision petitioner. The revision petitioner has filed a petition in I.A.No.4 of 2022, for the purpose of sending the suit promissory note for comparison by a Handwriting Expert with the admitted signature of the defendant/revision petitioner. After hearing, the learned Trial Judge dismissed the petition. Aggrieved over the same, the revision petitioner has preferred this civil revision petition.

4. The learned counsel for the petitioner submitted that the petitioner/defendant had denied his signature in the promissory note and hence, it is obligatory on the part of the Trial Court to send the disputed signature for getting opinion from the Handwriting Expert. The opinion of the Handwriting Expert is not a conclusive proof and it can only have a corroborative effect along with the other materials placed before this Court.

5. Having allowed the trial to be commenced and progressed, the



C.R.P.(PD).No.1731 of 2022 and
C.M.P.No.8735 of 2022

revision petitioner has chosen to file a petition under Section 45 of the Indian Evidence Act, as an after thought. The learned Trial Judge has rightly observed that allowing the petition seeking Handwriting Expert's opinion, cannot be a matter of routine. Even if the opinion of the Handwriting Expert is obtained, that has to be only sealed along with the other facts and materials presented by the parties at the time of trial. In the case in hand, the revision petitioner had chosen to file a petition just shortly before the conclusion of the arguments and that too, when the case was specifically posted to hear the defendant side arguments. The learned Trial Judge has also rightly observed the conduct of the petitioner in delaying the proceedings. In my opinion, I do not find any reason for interfering with the order passed by the learned Trial Judge.

6. Accordingly, this civil revision petition stands dismissed. No costs.

Consequently, connected miscellaneous petition stands closed.

14.06.2022

Index: Yes/No
Speaking / Non Speaking Order
gsk

R.N.MANJULA, J.



WEB COPY



C.R.P.(PD).No.1731 of 2022 and
C.M.P.No.8735 of 2022

gsk

To
The Additional Judge,
Dharmapuri.

C.R.P.(PD).No.1731 of 2022 and
C.M.P.No.8735 of 2022

14.06.2022