



CRP.No.2849 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2849 of 2022
and
CMP.No.15419 of 2022

Madhanagopal

... Petitioner

Vs.

1.Jayasree

2.Minor Radha
represented by her mother and
Natural guardian Jayasree

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned fair order passed in I.A.No.1 of 2021 in O.S.No.57 of 2016 dated 13.07.2022 on the file of the Sub-Court, Madurantakam.

For Petitioner : Mr. S.Udaya Kumar



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ORDER

This petition has been filed to set aside the impugned fair order passed in I.A.No.1 of 2021 in O.S.No.57 of 2016 dated 13.07.2022 on the file of the Sub-Court, Madurantakam.

2. This revision petition is filed by the petitioner, challenging the order passed by the Court below in allowing the application filed by the respondents/defendants in the money suit to send the disputed promissory note for comparison with the admitted signature of the executant.

3. The petitioner herein filed a suit for recover of money based on the promissory note dated 10.02.2013. The respondents herein filed written statement denying the execution of promissory note. There was a specific averment in the written statement filed by



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the respondents that the promissory note is a forged and concocted one. The respondents/defendants filed I.A.No.1 of 2021 to compare the signature of the first respondent's husband/the executant of the promissory note, with the admitted signature of the executant found in the registered sale deed dated 18.03.2009/Ex.B1. The said application was resisted by the revision petitioner on the ground that the application was filed by the defendants after commencement of the trial and when DW1 was in box. The present suit is filed for recovery of money based on the promissory note and hence, the main issue to be decided is as to whether the executant of the promissory note, namely the husband of the first respondent/first defendant signed the promissory note or not? Therefore, the comparison of his signature found in the promissory note with the admitted signature of the executant would certainly help the Court to attain correct conclusion with regard to the controversy involved in the dispute.



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4. Merely because, there is some delay in filing of this application, the opportunity to get expert opinion by comparison of signature in the promissory note, need not be denied. Hence, there is no illegality or irregularity in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
dna



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To

The Sub-Court, Madurantakam.



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S.SOUNTHAR, J.

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