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C.R.P.(P.D.)No.4117 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.(P.D.)No.4117 of 2022

and

CMP.No.21412 of 2022

1. P.Kasi

... Petitioner/Petitioner/Defendant

Vs.

1. K.Anbarasu

... Respondent/Respondent/Plaintiff

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decreetal order made in I.A.No.3/2020 in O.S.No.42/2020, dated 19.10.2022 passed by the Additional District Judge, Dharmapuri.

For Petitioner : Mr.D.Sivashanmugam



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ORDER

The civil revision petition is filed challenging the fare and decretal order passed in I.A.No.3 of 2020 in O.S.No.42 of 2020 dated 19.10.2020.

2.The civil revision petitioner is the defendant in the original suit, instituted by the respondent for recovery of money based on the promissory note. The revision petitioner filed a written statement in the Civil Suit wherein he has not disputed his signature. While so, the revision petitioner filed I.A.No.3 of 2022 for expert opinion for his signature.

3.The learned counsel for the petitioner states that the signature of the revision petitioner in the promissory note and in the petition filed before the Trial Court are not tallying and therefore, interlocutory application was filed to send the signature for an expert opinion. The interlocutory application was rejected by the Trial Court mainly on the ground that the revision petitioner/defendant in his written statement stated that Mr.Ponnusami, the relative of the plaintiff, has filed the suit through the



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plaintiff by using the signatures obtained in unfilled 20 rupees stamp paper and blank papers. Thus, the revision petitioner/defendant has not disputed his signature in the suit promissory note. Contrarily he said that his signature was obtained by one Mr.Ponnusami who is the relative of the plaintiff. The revision petitioner now cannot travel beyond the scope of the written statement filed before the Trial Court.

4.The other grounds raised in the written statement are to be adjudicated during the trial and as far as the signature of the revision petitioner/defendant is concerned, he himself had stated in the written statement that the signature was obtained by one Mr.Ponnusami, who is the relative of the plaintiff.

5.While so, this Court does not find any infirmity in respect of the findings of the Trial Court in the order impugned. Thus, the revision petitioner has to adjudicate the other issues during the course of the trial. Further, the Trial Court found that such interlocutory applications are filed in order to prolong and protract the suit proceedings, which cannot be



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encouraged by the Courts.

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6.Thus, this civil revision petition is devoid of merits and stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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13.12.2022

Index:Yes

Internet:Yes

Speaking Order: Yes

To

1. Additional District Judge, Dharmapuri



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S.M.SUBRAMANIAM.J.,

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