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CRP(MD).No. 990 and 991 of 2022 and

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CRP(MD).No. 990 and 991 of 2022 and
CMP(MD).Nos.3941 and 3942 of 2022

J.Jeyaseeli

... Petitioner in both CRPs /
1st respondent / 1st defendant

Vs.

1.P.Ganesan

... 1st respondent in both CRPs/
petitioner / plaintiff

2.J.Rebacca

3.J.Regila

... Respondents 2 and 3 in both CRPs /
respondents 2 and 3 / defendants 2 and 3

Common Prayer: These Civil Revision Petitions are filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 28.10.2021 and 19.03.2022 passed in I.A.Nos.1 and 2 of 2021 respectively in O.S.No.100 of 2018 on the file of the II Additional District Court, Thoothukudi.

For Petitioner in both CRPs : Mr.N. Pragalathan

COMMON ORDER

The revision petitioner / 1st defendant has filed these revisions to set aside the order, dated 28.10.2021 and 19.03.2022 passed in I.A.Nos.1 and 2 of 2021 respectively in O.S.No.100 of 2018 on the file of the II Additional District Court, Thoothukudi.

2. Heard the learned counsel appearing for the petitioner. Since no adverse order passed against the respondents, no notice is necessary to the respondents.

3. The first respondent / plaintiff has filed I.A.No.1 of 2021 to call for the original deposition signed by the revision petitioner / 1st defendant husband in the suit in O.S.No.19 of 2012 and another I.A.No.2 of 2021 to compare the disputed signature of the 1st defendant husband found in the pro note with the signature contained in the deposition given in the said suit. The trial Court has allowed the applications. Against which, the revision petitioner has filed these revisions.

<https://hcservices.ecourts.gov.in/hcservices/>



4. The revision petitioner / 1st defendant has filed written statement in the suit and denied the signature in the pro note. So it is necessary to compare the signature with the admitted signature. Admittedly, the husband of the petitioner K. John Joseph, had given a deposition in the suit in O.S.No.19 of 2012. But, where he has signed in the deposition in the year 2016 has not been stated in the petition. Since the comparison is necessary, the Court should call for the records from the I Additional District Judge, Tuticorin. So, both the Interlocutory Applications are rightly allowed by the trial Court. Hence, this Court is not inclined to interfere with the order passed by the Court below.

5. Accordingly, these Civil Revision Petitions are dismissed by confirming the order, dated 28.10.2021 and 19.03.2022 passed in I.A.Nos.1 and 2 of 2021 in O.S.No.100 of 2018 on the file of the II Additional District Court, Thoothukudi.

6. The II Additional District Judge, Thoothukudi is directed to verify whether the deposition is contemporaneous to the document of the pro note or otherwise direct the 1st respondent / plaintiff to produce some other contemporaneous documents to compare the signature. If no contemporaneous document is filed by the first respondent / plaintiff, the documents cannot be sent for expert opinion and the trial Court is directed to confirm the document and proceed with the case.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The II Additional District Judge, Thoothukudi.

+2 CC to M/s.N.PRAGALATHAN, Advocate (SR-22223[F] dated 28/04/2022)

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