



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

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THE HONOURABLE **MS.JUSTICE P.T.ASHA**

C.R.P(MD)Nos.1948 and 1949 of 2021

and

C.M.P. (MD)Nos.10497 and 10494 of 2021

C.R.P. (MD)No.1948 of 2021

Subramani

... Petitioner

Vs.

Karthikeyan

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 29.09.2021 in I.A.No.1 of 2020 in O.S.No.141 of 2018 on the file of the Principal Sub Court, Karur.

C.R.P. (MD)No.1949 of 2021

Subramani

... Petitioner

Vs.

Soundararajan

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 29.09.2021 in I.A.No.1 of 2020 in O.S.No.143 of 2018 on the file of the Principal Sub Court, Karur.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondent : Mr.K.Suresh

(in both petitions)

COMMON ORDER

These Civil Revision Petitions arise against the following orders:

i) C.R.P(MD)No.1948 of 2021 is filed challenging the order in I.A.No.1 of 2020 in O.S.No.141 of 2018 on the file of the learned Principal Sub Court, Karur in and by which the petitioner/plaintiff has sought to have the signature of the defendant in the promissory note sent for an expert opinion.



ii) C.R.P. (MD)No.1949 of 2021 is filed challenging the order of dismissal of I.A.No.1 of 2020 in O.S.NO.143 of 2018 for the same relief. The two suits have been filed against two different defendants.

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2. These two applications were dismissed by the learned Principal Subordinate Judge, Karur and challenging the same, the petitioner is before this Court.

3. The counsel for the respondent would fairly submit that the application can be allowed, however subject to the thumb impression in the promissory note also being sent for the expert opinion.

4. The learned counsel appearing for the revision petitioner does not have any objection to the same.

5. Consequently, these Civil Revision Petitions are allowed. The learned Principal Subordinate Judge, Karur, is directed to send the signature in the disputed promissory note for comparison with a contemporaneous document signed by the respondents/defendants. The thumb impression in the promissory note shall also be sent for the expert opinion along with the thumb impression of the respondents which shall be affixed in the presence of the Principal Subordinate Judge, Karur. The learned Judge shall appoint an Advocate Commissioner who shall take the documents and the contemporaneous document with the signature and thumb impression for obtaining the opinion. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pnn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:-

Principal Subordinate Judge, Karur.

+1 CC to M/s.K.SURESH, Advocate (SR-2288[F] dated 25/01/2022)

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-2311[F] dated 25/01/2022)

C.R.P(MD)Nos.1948 and 1949 of 2020 and
C.M.P. (MD)Nos.10497 and 10494 of 2021
24.01.2022

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