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C.R.P.No.2500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2500 of 2023 &
C.M.P.No.15503 of 2023

S.Kamalakaran

... Petitioner

Vs.

K.Jegatheeswari

...Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09.03.2023 made in I.A.No.03 of 2023 in O.S.No.25 of 2019 on the file of the learned Principal District Judge, Perambalur

For Petitioner : Mr. S.Dinesh Babu

ORDER

The present Civil Revision Petition has been filed to set aside the fair and decreetal order dated 09.03.2023 made in I.A.No.03 of 2023 in O.S.No.25 of 2019 on the file of the learned Principal District Judge, Perambalur

2. The brief facts of the case is that the petitioner is the defendant and



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the respondent is the plaintiff and the respondent filed a suit in O.S.No.25 of 2019 for recovery of amount for a sum of Rs.17,06,000/- with interest at the rate of 9% per annum against the petitioner. Pending suit, the petitioner filed I.A.No.3 of 2023 to send his identity card to forensic department to compare the signature and the said petition was dismissed. Aggrieved by the same, the petitioner has come up with this petition.

3. The learned counsel for the petitioner would submit that the promissory note filed by the respondent in the trial court is a fraudulent one and the petitioner has not borrowed any amount from the respondent. Further, the petitioner had not signed in the promissory note and the signature found in the said promissory note is not the petitioner's signature.

4. That apart, the learned counsel for the petitioner would submit that as there was a problem between the respondent's husband and the petitioner in collecting interest, the respondent fraudulently claimed that the petitioner had taken a loan of Rs.15,00,000/- Further, the respondent's husband has put the signature of the petitioner in the promissory note and filed a case against this petitioner on 31.07.2019.

5. Lastly, the learned counsel for the petitioner submits that since the



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signature of the petitioner is required to be proved, it is necessary to send his signature to handwriting expert, however, the court below has not considered the case of the petitioner in a proper perspective and dismissed the said application, thereby pleaded to allow the present revision.

6. Heard the learned counsel for the petitioner and perused the documents placed on record.

7. It is pertinent to note that the respondent filed a suit in O.S.No.25 of 2019 for recovery of amount for a sum of Rs.17,06,000/- with interest at the rate of 9% per annum against the petitioner based on a pronote. The said signature is denied by the petitioner / defendant. In view of the same, the petitioner filed I.A.No.3 of 2023 to send his identity card to forensic department to compare the signature.

8. On going through the order passed by the court below it is seen that the said identity card, which is sought to be sent to the forensic department for the purpose of comparison of petitioner's signature, is the identity card issued by the Directorate of Distance Education, Annamalai University for the academic year 2012 -2013, whereas the pronote in the suit mentioned



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document is of the year 2016, therefore, the court below dismissed the said application on the ground that signature may vary during the course of time and the same is just and legally sustainable one in the eye of Law, warranting no interference in the hands of this Court.

In view of the above, the present Civil Revision Petition is dismissed at the admission stage. Consequently, connected miscellaneous petition is closed. No costs.

24.07.2023

Index : Yes/No
Internet : Yes/No
Speaking order / non speaking order

ssd

To

The Principal District Judge, Perambalur

V.BHAVANI SUBBAROYAN, J.,

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