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C.R.P.No.2738 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2738 of 2019

and

C.M.P.No.17992 of 2019

R.Sundaram

...

Petitioner

Vs

K.Ganeshamoorthy

...

Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and final order dated 26.06.2019 passed in I.A.No.14 of 2019 in O.S.No.51 of 2018 on the file of the Principal District Judge, Erode.

For Petitioner : Mr. V.S.Kesavan

For Respondent : Mr. P.K.Shivakumar

ORDER

This Civil Revision Petition has been filed to set aside the fair and final order dated 26.06.2019 passed in I.A.No.14 of 2019 in O.S.No.51 of 2018 on the file of the Principal District Judge, Erode, thereby dismissing the petition filed under Section 45 of the Indian



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Evidence Act to send the documents for hand writing expert opinion.

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2. The revision petitioner is the defendant in the suit filed by the respondent for recovery of money on the strength of the cheque dated 19.12.2017. The petitioner denied the very signature found in the cheque. He has taken a specific stand that he never borrowed any amount from the respondent. He also disputed the signature found in the cheque dated 19.12.2017. Therefore, the petitioner filed a petition seeking hand writing expert opinion in the cheque dated 19.12.2017. When the petitioner raised specific objections, the respondent, being the plaintiff, has to prove his case. That apart, the petitioner failed to state in which year he handed over the disputed cheque to the respondent herein. Therefore, the Court below rightly dismissed the petition.

3. In view of the above, this Court finds no infirmity or illegality in the order dated 26.06.2019 passed in I.A.No.14 of 2019 in O.S.No.51 of 2018 on the file of the Principal District Judge, Erode. Accordingly, this Civil Revision Petition stands dismissed. The Trial



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Court is directed dispose of the suit within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

04.01.2023

Index: Yes/No
Internet: Yes/No
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To

The Principal District Judge,
Erode.

G.K.ILANTHIRAIYAN, J.



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