



C.R.P. Nos.3000 to 3002 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos.3000 to 3002 of 2022

and

C.M.P.No. 16227 of 2022

J.Kalaiselvi

... Petitioner in all C.R.P.s

Versus

1. A.P.Chelvam

2. The Senior Manager,
Indian Overseas Bank,
1063, E.V.Periyar High Road,
Arumbakkam, Chennai-600 106.

... Respondent in
C.R.P. No.3000/2022

A.P.Chelvam

.. Respondent in C.R.P.
Nos. 3001 & 3002/2022

PRAYER in C.R.P. No. 3000 of 2022 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the order and Decreeal order passed in I.A.No.3 of 2022 in O.S.No.4895 of 2012 dated 18.08.2022 on the file of learned VIII Asst. Judge, City Civil Court, Chennai.

1/6



C.R.P. Nos.3000 to 3002 of 2022

PRAYER in C.R.P. No. 3001 of 2022 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the order and Decreeal order passed in I.A.No.5 of 2022 in O.S.No.4895 of 2012 dated 18.08.2022 on the file of learned VIII Asst. Judge, City Civil Court, Chennai.

PRAYER in C.R.P. No. 3002 of 2022 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the order and Decreeal order passed in I.A.No.4 of 2022 in O.S.No.4895 of 2012 dated 18.08.2022 on the file of learned VIII Asst. Judge, City Civil Court, Chennai.

For Petitioner in
all C.R.P.s : Mr.R.Raman Laal

For 1st Respondent in
all C.R.P.s : Mr.S.Rajendrakumar

COMMON ORDER

The Revision Petitioner herein filed these Civil Revision Petitions challenging the impugned orders passed in I.A.Nos.3 to 5 of 2022 in O.S.No. 4895 of 2012 passed by the learned VIII Asst. Judge, City Civil



Court, Chennai respectively.

WEB COPY

2. Before the trial court, the Revision Petitioner/defendant filed the aforesaid applications to send documents to the Forensic Lab for comparing the signature found in Ex.A6 along with Ex.B1 in respect of signatures of Manager of Indian Overseas Bank and to recall P.W.1 and also to permit him to cross examine the witness P.W.1. The reasons assigned by the Revision Petitioner is that after completion of evidence of P.W.1, the documents Ex.P9 to P13 series were adduced and he was cross-examined by D.W.1. Thereafter, the Bank Manager was examined as D.W.1. At that time, he deposed that he obtained the said documents of Ex.B1 to B6 (Ex.A6) from the witness A.P.Chelvam. Based on that deposition, now the defendant contended that the Bank Manager was not having any document and having obtained the documents from the plaintiff, the same has to be sent for forensic lab for getting expert opinion. Accordingly, he wanted to send the documents Ex.A6 and Ex.B1 and to check five signatures prior to 21.07.2010 equivalent to Ex.B1 series along with signature of Ramamurthy prior to the date of 21.07.2012, which was said to be available at the bank. That application was contested by the plaintiff that after completion of



evidence, to drag on the proceedings, the defendant filed the said application, which cannot be entertained. Considering both side submissions, the trial judge held that to drag on the proceedings, the defendant filed the said application and the reasons also not assigned for the comparison. Aggrieved over the said findings, the Revision Petitioner filed the present Civil Revision Petition.

3. The learned counsel for Revision Petitioner would submit that the evidence of D.W.1 necessitated him to file the said application for comparison and to prove the same, he relied Ex.B1 series. But, without considering his contentions, the trial judge dismissed the application. Hence, she prayed to set aside the findings of trial judge.

4. Records perused. On perusal of entire facts, it reveals that D.W.1 has stated in his evidence that he received documents Ex.B1 series from the witness A.P.Chelvam containing statement of account and the transaction mentioned thereon, which causes doubt about the authenticity of document. Hence, she filed the said application to get an expert opinion. So, the reasons assigned by the Revision Petitioner is justifiable one. Hence, the order passed by the trial judge is liable to be set aside. Accordingly, these



C.R.P. Nos.3000 to 3002 of 2022

Civil Revision Petitions are allowed and the orders passed by the trial judge in I.A.Nos. 3 to 5 of 2022 is set aside. The present Manager of Indian Overseas Bank is directed to produce signature of Manager Ramamurthy pertaining to the date of 21.07.2012 within a period of six weeks from the date of receipt of copy of this order in order to comply the request made by the defendant. After getting expert opinion, the trial judge is directed to complete the trial and dispose the case within a period of six months. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

29.11.2023

Index : Yes/No
Speaking Order : Yes/No
rpp

To

VIII Asst. Judge,
City Civil Court,
Chennai.



WEB COPY



C.R.P. Nos.3000 to 3002 of 2022

T.V.THAMILSELVI, J.

rpp

C.R.P. Nos.3000 to 3002 of 2022

29.11.2023