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C.M.P. No.21366 of 2021

in

A.S. No.253 of 2021

A.D.JAGADISH CHANDIRA, J.

This petition has been filed by the respondent / plaintiff to send the following documents for an expert opinion to compare the disputed signature in Ex.A1 (Promissory Note) with the admitted signature in (ii) Vakalath and (iii) Written statement filed by the respondent in O.S.No.170 of 2018 on the file of Principal District Court, Cuddalore.

Mr.G.K.R. Pandian, learned Counsel appearing for the Petitioner /Respondent/Plaintiff submitted that the Petitioner herein had filed OS.No.170 of 2018 on the file of the Principal District Court, Cuddalore for the recovery of money due on a promissory note for a sum of Rs.24,09,220/- (Rupees Twenty Four Lakhs Nine Thousand Two Hundred and Twenty Only) with interest at the rate of 12% per annum for a sum of Rs.20,68,000/- from the date of plaint till the realization of cost against the Respondent herein. After the full fledged trial and appreciation of evidence, the Trial Court had rightly decreed the suit in

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favour of the petitioner on 13.10.2020. He further submits that the Respondent / Defendant had denied the execution of the promissory note (Ex.A1), whereas the Trial Court had rightly come to the conclusion that the promissory note was executed by the Respondent herein and thereby decreed the suit in favour of the plaintiff. Since the Respondent / Defendant has disputed his signature affixed in Ex.A1, it is just and necessary that the original pro note containing the disputed signature and documents containing the admitted signature namely the Vakalath and Written Statement have to be sent to the Forensic Lab for evaluation of truth and to meet the ends of the Justice and thereby, he seeks to allow this petition.

3. The learned counsel appearing for the respondent/defendant submits that he has no objection for the sending documents containing the disputed signature and the admitted signature being sent to the Forensic Department in order to obtain expert opinion.



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4. In view of the above, this petition is allowed. However, it is seen that the original records from the Lower Court have not been received and only the certified xerox copy of the documents have been sent.

5. Registry is directed to call for the following original documents namely (1) Ex.A1 (Promissory Note) containing the disputed signature of the defendant (ii) Vakalath and (iii) Written Statement with admitted signature of the defendant from the Trial Court. The records should reach this Court on or before 12.09.2023.

6. Post the matter on 12.09.2023.

29.08.2023

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