



C.R.P(MD).No.244of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.244 of 2023

and

C.M.P(MD).No.1160 of 2023

Rajini ... Revision Petitioner/Petitioner/Defendant

Vs.

Sornabai ... Respondent/Respondent/Plaintiff

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order dated 06.12.2022 passed in I.A.No.2 of 2022 in O.S.No.332 of 2020 on the file of the I-Additional Subordinate Judge, Nagercoil(Special Court for Forest Offence Cases, Nagercoil) and thereby allow the Civil Revision Petition.

For petitioner : Mr.R.Sreenivasan

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the fair order and decreetal order passed by the I-Additional Subordinate Judge, Nagercoil (Special Court for Forest Offence Cases, Nagercoil), in I.A.No.2 of 2022 in O.S.No.332 of 2020 dated 06.12.2022.



2.The petitioner is the defendant in O.S.No.332 of 2020. The suit has been filed by the respondent/plaintiff to recover a sum of Rs.3,45,000/- which includes the principal amount of Rs.3,00,000/- and the interest at the rate of 12% per annum between 06.07.2019 and 06.10.2020.

3.The specific case of the petitioner is that the petitioner had a loan transaction with his relative named Yeasudhas. From him, the petitioner borrowed a sum of Rs.50,000/- only and had signed a blank promissory note. However, taking advantage of the relationship with the said Yeasudhas, the respondent/plaintiff made a false claim in O.S.No.332 of 2020 before the I Additional Subordinate Judge, Nagercoil to recover a sum of Rs.3,45,000/-.

4.The learned counsel for the petitioner submits that the signature in Ex.A1 is not that of the petitioner. Therefore, it is necessary for the petitioner to send the signature found in Ex.A.1/Promissory Note for Forensic Examination by the Hand writing Expert. It is submitted that there was no contract with the respondent/plaintiff. It is further submitted that the respondent is not engaged in any money lending operation. It is submitted that during the examination of the respondent/plaintiff, P.W.1/the respondent has also stated that he had no objection for sending the document namely,



Ex.A1 for Forensic Examination by an Expert. It is submitted that the Court below has thus erred in rejecting the application.

5.I have considered the argument advanced by the learned counsel for the petitioner.

6.The petitioner has disputed the signature in Ex.A1. The defence of the petitioner is that Ex.A1 was signed and given to the said Yeasudhas who is the relative of the respondent and that the respondent has wrongly utilised the same as if the petitioner has borrowed a sum of Rs.3,45,000/- from the respondent. Thus, execution of Ex.A1 is admitted by the petitioner.

7.In my view, there is no case is made out for interfering with the impugned order. There is a presumption of not only the execution of promissory note but also in the signature contained therein. It is for the petitioner to rebut that the presumption by letting in evidence before the Trial Court. It appears that the petitioner has not produced any document to compare with the signature presented in the Promissory Note. The prayer sought for by the petitioner to send the document for Forensic Examination is misconceived. The Trial Court has rightly rejected the application. Therefore, this Civil Revision Petition is liable to be dismissed.



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C.SARAVANAN,J.

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8. Therefore, this Civil Revision Petition is dismissed. No costs.
Consequently, the connected miscellaneous petition is closed.

20.04.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

1. I-Additional Subordinate Judge,
Special Court for Forest Offence Cases,
Nagercoil.

2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P(MD).No.244 of 2023
and C.M.P(MD).No.1160 of 2023