



C.R.P(MD)No.314 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.314 of 2020

and

C.M.P(MD)No.1805 of 2020

Kalimuthu

... Petitioner/Petitioner/
Defendant

Vs.

Selvam

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for records of the fair and decreetal order dated 08.08.2019 passed in I.A.No. 670 of 2018 in O.S.No.67 of 2017 on the file of the learned Sub Judge, Aruppukottai.

For Petitioner : Mr.I.Suthakaran

For Respondent : Mr.G.Aravindan

ORDER

The present revision petition has been filed by the defendant in a suit for recovery of money based upon a pro-note. According to the defendant, his signature has been forged.



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2. The defendant had filed I.A.No.670 of 2018 for sending the suit pro-note to be compared with the signature in his driving license and in savings bank account. The said application was dismissed by the trial Court on the ground that these 2 documents are after suit.

3. The learned counsel for the petitioner has submitted that though the documents are after suit, they are contemporaneous in nature and hence, the signature of the defendant could be compared with these documents.

4. I am not agreement with the said submission in view of the fact that the petitioner has entered appearance in the suit on 21.06.2017 and the driving license has been obtained on 29.12.2017 and savings bank account has been opened on 22.03.2018. Therefore, the signature found in the pro-note cannot be compared with these two documents, which are after suit. I do not find any illegality or infirmity in the order passed by the trial Court. However, the revision petitioner is at liberty to approach the Court with a similar application, in case, if the petitioner could lay his hands on some registered documents, which are prior to the date of filing of the suit.



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5. With the said liberty, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

27.02.2023

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

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To

- 1.The Sub Judge,
Aruppukottai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.314 of 2020

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