



W.P(MD)No.2246 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2246 of 2023

and

W.M.P.(MD) Nos.2019 & 2021 of 2023

1.P.M.Manorama

2.M.Ganesan

... Petitioners

Vs.

1.The District Registrar (Administration),
Palace Road,
Madurai South,
Madurai District.

2.N.Kavya Sangamithra

3.N.Meena Preethi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to send the disputed signatures of the respondents 2 & 3 for verification to the competent forensic experts before deciding the proceedings in Na.Ka.No. 9355/E5/2022-1, dated 18.11.2022.



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For Petitioners : Mr.L.Shaji Chellan
For Respondents : Mr.N.Satheeskumar
Additional Government Pleader for R1
: Mr.B.Saravanan
Senior Counsel for R2 & R3

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the first respondent and the learned Senior Counsel appearing for R2 & R3.

2. Form No.I under Rule 3 of the Indian Partnership Rules was filed before the first respondent in the name of “Central Cinema Company”. The said Form was also duly acknowledged and Form C was issued on 20.03.2020. In Form No.I, as many as five persons had been mentioned as partners.

3. The case of the private respondents is that they did not sign the said Form No.I and that signatures attributed to them are forgeries. Based on the complaint of the second respondent herein, the first respondent issued notice dated 18.11.2022 calling upon the petitioners herein to appear and offer their explanation. The petitioners appeared before the first respondent and submitted



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their explanation. They also filed a request for sending the disputed signatures of the private respondents herein for verification to a competent forensic expert before passing final order. Since the first respondent did not act on the said request, the present writ petition came to be filed.

4. It is too obvious that the first respondent cannot conduct any enquiry as to genuineness of the signatures appearing in the Forms sent before him. That would be the province of the jurisdictional civil Court or criminal Court. The request of the petitioners has to be necessarily declined. At the same time, the moot question that arises for consideration is whether the first respondent could have taken cognizance of the complaint lodged by the second respondent.

5. Since I have already held that the first respondent cannot render any finding as to whether signatures attributed to R2 & R3 in the Form I are forged, the first respondent cannot decide the issue also. The private respondents herein have to necessarily avail other remedies open to them under law. They can file a suit for dissolution and also declaration in this regard. They can also give any police complaint. Instead of pursuing such remedies, the second respondent herein has chosen to lodge a complaint before the first respondent and the first respondent need not have issued notice on the said complaint. The



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impugned proceedings are bereft of jurisdiction. The petition mentioned proceedings before the first respondent stands terminated. I make it clear that this will not cast any cloud on the merits of the complaint lodged by the second respondent. The respondents 2 & 3 are at liberty to pursue other remedies available under law.

6. With this liberty to the respondents 2 & 3, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

23.02.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

The District Registrar (Administration),
Palace Road,
Madurai South,
Madurai District.



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G.R.SWAMINATHAN, J.

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