



C.R.P(MD)Nos.604 and 607 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)Nos.604 and 607 of 2023

and

C.M.P(MD)Nos.2785 and 2788 of 2023

C.R.P(MD)No.604 of 2023

M/s.Nishok Impex,
A partnership firm,
Represented by its Managing Director,
K.Ramesh,
S/o.P.R.Kandasamy,
D.No.75, Ganapathypalayam South,
Thanthoni Village, Thanthoni Post,
Karur Taluk & District.

2.K.Ramesh

... Petitioners/Petitioners/
Defendants 1 and 2

Vs.

Shri Eshan Capital,
Represented by its Managing Partners,
KAS.Esvaramurthi,
S/o.A.Somasundaram
and E.Shembakavalli, W/o.KAS.Esvaramurthi,
Having Office at
No.5, Periyar Nagar,
Sengunthapuram Post,
Karur Taluk & District.

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of
Constitution of India, to modify the fair and decretal order passed in



C.R.P(MD)Nos.604 and 607 of 2023

I.A.No.2 of 2021 in O.S.No.147 of 2019, dated 09.11.2021 on the file of the Principal District Court, Karur in so far not directing the comparison of the disputed hand writing in the endorsement dated 19.07.2019.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.K.Prabhakar

C.R.P(MD)No.607 of 2023

M/s.Nishok Impex,
A partnership firm,
Represented by its Managing Director,
K.Ramesh,
S/o.P.R.Kandasamy,
D.No.75, Ganapathypalayam South,
Thanthoni Village, Thanthoni Post,
Karur Taluk & District.

2.K.Ramesh

...Petitioners/Petitioners/
Defendants 1 and 2

Vs.

Shri Eshan Finance,
Represented by its Managing Partners,
KAS.Esvaramurthi,
S/o.A.Somasundaram
and E.Shembakavalli,
No.5, Periyar Nagar,
Sengunthapuram Post,
Karur Taluk & District.

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to modify the fair and decretal order passed in I.A.No.2 of 2021 in O.S.No.148 of 2019, dated 09.11.2021 on the file of the Principal District Court, Karur in so far not directing the comparison of the disputed hand writing in the endorsement dated 19.07.2019.



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For Petitioner : Mr.H.Arumugam
For Respondent : Mr.K.Prabhakar

COMMON ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The defendants 1 and 2 in O.S.No.147 and 148 of 2019 before the Principal District Court, Karur are the petitioners in these civil revision petitions. These suits have been filed by the respondent herein on the strength of three promissory notes, which is said to be executed by the petitioners herein. The suits have been contested by the petitioners on the ground of limitation, the signature, endorsements and the seal in the promissory note. Under these circumstances, the petitioners had filed application in I.A.No.2 of 2021 in the respective suit to refer the promissory note for forensic examination of the signature, endorsements and seal. It appears that the respondent had objected to the seal, however, agreed for examination of the signature alone. In the connected suit, the petitioner herein had filed C.R.P(MD)No.377 of 2023, which came to be allowed by an order, dated 20.02.2023, which reads as follows:



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“9. When the defendants 1 and 2 have specifically disputed the handwriting in the second endorsement, they are always entitled to get their handwriting also compared with the admitted handwriting in the first endorsement on 01.08.2016. when the four pro-notes are sent to expert opinion to compare the signature of the second defendant, the expert shall also compare the handwriting of the second defendant found in the second endorsement with the first endorsement.

10. with the aforesaid observation, the civil revision petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.”

3. The facts are being identical and considering the fact that suits are of the year 2019 and that the applications for examination of the signature were made at the time of examination of defendants' witness, these civil revision petitions are allowed by directing the trial Court to complete the trial and dispose of the suits including O.S.No.149 of 2019 within a period of nine months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

06.03.2023

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



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To

WEB COPY

- 1.The Principal District Court, Karur
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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C.SARAVANAN,J.

SN

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