



C.R.P(MD).No.609 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.609 of 2023

and

CMP(MD)No.2793 of 2023

P.L.Tamilarasan

... Petitioner/Petitioner/Defendant

Vs.

Jeyaveerapandian

... Respondent/Respondent/Plaintiff

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside fair and decreetal order dated 01.11.2022 made in I.A.No.1 of 2022 in O.S.No.14 of 2020 on the file of the Sub Court, Manapparai, Trichy District, and allow the above Civil Revision Petition.

For petitioner : Mr.B.Prahalad Ravi

ORDER

The sole defendant in O.S.No.14 of 2020 before the Sub Court, Manapparai, Trichy District, has filed this Civil Revision Petition against the impugned order passed by the said Court in I.A.No.1 of 2022 in O.S.No.14 of 2020. The above said application has been filed by the petitioner herein



under Order XX Rule 10(a) for comparison of signature in the pro-note dated 06.08.2017.

2.The specific case of the petitioner is that the signature found in the document namely, the pro-note is forged one. On the strength of the same, the suit was filed by the respondent. It is submitted that unless the said document is examined by an expert, the truth will not come out and hence, the suit is liable to be dismissed.

3.It is submitted that in the counter to the above said application filed in I.A.No.1 of 2022, the respondent has also not seriously contested. However, the Court found reasons not even proposed by the respondent herein. It is submitted that the plaintiff/respondent herein pressed the Court to get on trial and without proper examination of pro-note dated 06.08.2017.

4.I have perused the order passed by the Sub Court, Manapparai, Trichy District, in I.A.No.1 of 2022 in O.S.No.14 of 2020. The petitioner herein as the defendant in the above said proceedings is entitled to prove the pro-note was a forged document by appointing an Advocate Commissioner to get the signature in pro-note compared with the specimen signature. The Trial



Court has found fault with the petitioner for not having given a document signed during contemporaneous period at the time of alleged execution of pro-note dated 06.08.2017. In my view, the petitioner is entitled to have the pro-note to be examined by an expert. Merely because an application was not filed earlier and was filed after the commencement of trial, cannot be a reason to reject the same. Therefore, the impugned order deserves to be interfered.

5.Under these circumstances, the order passed by the Sub Court, Manapparai, Trichy District, is set aside and the application filed in I.A.No.1 of 2022 is allowed by directing the petitioner to furnish specimen together with the document having contemporaneous signature of the petitioner at the time of alleged execution of pro-note dated 06.08.2017.

6.The Sub Court, Manapparai, is directed to appoint an Advocate Commissioner and fix time for getting a report from the Hand writing Expert. The Trial shall continue. In case, there is a delay in getting the report of an expert, the evidence shall be closed with liberty to the petitioner to re-open the evidence.



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7. With the above directions, the Civil Revision Petition is disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

06.03.2023

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

dss

To

1. The Sub Court, Manapparai,
Trichy District

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



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C.SARAVANAN,J.

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