



C.R.P(MD)No.1094 of 2023.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1094 of 2023

and

C.M.P(MD)No.5114 of 2023

A.Ramesh

...Petitioner/Petitioner/
Defendant

Vs.

Muthusamy

...Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order made in I.A.No.130 of 2023 in O.S.No.344 of 2022 on the file of the Sub Court, Oddanchathiram, Dindigul District, dated 20.03.2023.

For Petitioner : Mr.M.Suri

ORDER

The present Civil Revision Petition has been filed against the fair and decreetal order made in I.A.No.130 of 2023 in O.S.No.344 of 2022, dated 20.03.2023 on the file of the Sub Court, Oddanchathiram, Dindigul District.



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2. The petitioner is the defendant before the Sub Court Oddanchathiram in O.S.No.344 of 2022 filed by the respondent. The said suit has been filed to recover the amount of Rs.1,04,330/- on the strength of a promissory note allegedly given by the petitioner to the respondent.

3. The petitioner has also filed a written statement, wherein, the petitioner has not denied the execution of the promissory note but he stated that the promissory note has been misused, which was earlier given by the petitioner to one Sathishkumar, with whom the petitioner had business dealing. It is further stated that the respondent is a henchmen of the said Sathishkumar with whom the petitioner had difference of opinion and therefore, the said Sathishkumar had set up the respondent to file O.S.No.344 of 2022 (Formerly as O.S.No.44 of 2015).

4. After the plaintiff's witness was examined, the petitioner was also examined and was also cross examined the petitioner's deposition evidence. At this stage, the petitioner has come up with an application in I.A.No.130 of 2023 to send the signature in the disputed promissory note



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for forensic examination by an expert. The application has been rejected by the Sub Court, Oddanchathiram, vide impugned order, dated 20.03.2023.

5. In my view, the application filed by the petitioner for appointing an Advocate Commissioner to take the disputed promissory note and the thumb impression to be affixed by the petitioner to forensic department to obtain an expert opinion was a misadventure as the petitioner has not denied the execution of the promissory note in the written statement. The petitioner in the written statement stated that there was no transaction between the petitioner and the respondent and the said promissory note was misused by giving it to the respondent to make it seem as if the petitioner had borrowed a some rupees from the respondent/plaintiff.

6. In my view, there is no merit in the impugned order. Therefore, the present Civil Revision Petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

20.04.2023

NCC : Yes / No
Index : Yes / No



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Internet : Yes / No
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To

- 1.The Sub Court, Oddanchathiram,
Dindigul District
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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