



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Fifth day of January Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP (MD) No.2573 of 2018
IN
AS (MD) No.147 of 2015

E.JEYAKUMAR

... PETITIONER/APPELLANT

Vs

K.S.SATHIA DAS

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to send the admitted documents Exhibit B1 to B3 and the disputed documents Exhibit A1 comparison of the signature and to file a report by the handwriting expert as to the genuineness of signature found in exhibit A1.

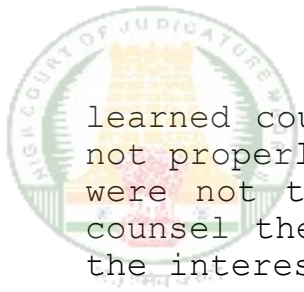
PRAYER IN AS (MD) No.147/2015:

Pleased to submit this Memorandum of First Appeal before this Hon`ble Court against the Judgment and Decree dated 09.06.2015 passed in O.S.No.10 of 2013 on the file of the District Judge, Kanyakumari District at Nagercoil and set aside the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioner and of Mr.V.M.BALA MOHAN THAMBI, Advocate on behalf of the 1st Respondent, the court made the following order:-

This petition is filed to send the admitted documents Ex.B1 to Ex.B3 and the disputed documents Ex.A1 for comparison of the signature and to file a report by the handwriting expert as to the genuineness of signature found in Ex.A1.

2.The learned counsel for the petitioner submitted that the lower Court observed that when the defendant set up the plea of forgery, the burden was on the plaintiff/appellant to send the disputed documents to the handwriting expert for opinion. The



learned counsel further submitted that the petitioner/appeal as not properly advised by the lower Court counsel and therefore, steps were not taken to examine the documents by an expert. The learned counsel therefore pleaded that the present application is filed in the interest of justice and the same may be allowed.

3.The learned counsel for the respondent has no objection to the document being referred to an expert. But, the learned counsel submits that along with Ex.B1 to Ex.B3 & Ex.A1, Ex.X1 also be sent for comparison by an expert.

4.In the light of the above, the petition is allowed and the document Ex.A1 is referred for comparison of signature and opinion of an expert with the admitted documents Ex.B1 to Ex.B3 & Ex.X1.

sd/-

25/01/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

THE DISTRICT JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

ORDER

IN

CMP (MD) No.2573 of 2018

IN

AS (MD) No.147 of 2015

Date :25/01/2023

SA/MMS/SAR.3/06.02.2023/2P/2C