



CRP (MD) No.1973 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP (MD) No.1973 of 2022

and

CMP (MD) No.9063 of 2022

K.Dhanasekaran

... Petitioner

Vs

W.Sudir

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in IA.No.2 of 2021 in OS.No.87 of 2021 dated 14.07.2022 on the file of the II Additional District Court, Thoothukudi, and dismiss the same by allowing this civil revision petition.

For petitioner : Mr.Jegadeeswaran

For Respondent : Mr.M.Thirunavukkarasu

ORDER

This Civil Revision Petition is filed challenging the order passed in IA.No.2 of 2021 in OS.No.87 of 2021 dated 14.07.2022 by the II Additional District Court, Thoothukudi.



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2.The petitioner is the defendant in OS.No.87 of 2021.

The respondent / plaintiff has filed the said suit for recovery of money based on a promissory note. The petitioner / defendant disputed the signature found in the promissory note and therefore filed an application to send the said document for comparing the signature with Ex.B1, which was produced by the respondent/plaintiff. The trial Court has not accepted the case of the petitioner that Ex.B1 is not a contemporaneous document, however, provided an opportunity to the petitioner to produce any other contemporaneous document for comparing the signature. But the petitioner has failed to produce the document and therefore the said application was dismissed. Aggrieved over the same, this civil revision petition is filed.

3.Now the petitioner has come forward with the memorandum of deposit of title deed, dated 29.05.2020, which is four months prior to the date of the promissory note and therefore, prayed for one more opportunity to him for comparing the signatures found in the promissory note and the title deed dated 29.05.2020.



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4.The learned Counsel for the respondent strongly opposes this petition that though this petitioner is referring about the memorandum of deposit of title deed, the original of the same is not placed before this Court.

5.In reply, the learned Counsel for the petitioner undertakes that the petitioner will produce the original memorandum of deposit of title deed before the trial Court on 24.01.2023.

6.Considering the rival submissions made, this civil revision petition is disposed of with a direction to the petitioner to produce the original memorandum of deposit of title deed dated 29.05.2020 before the trial Court on 24.01.2023 as undertaken by him and on such a production the trial Court shall pass orders for comparing the signature by the experts. If the petitioner does not produce the document as undertaken by him, the trial Court shall proceed with the trial. No costs. Consequently connected miscellaneous petition stands dismissed.

04.01.2023

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To

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II Additional District Judge,
Thoothukudi,



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B. PUGALENDHI , J.

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