



C.R.P(MD)No.2493 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2493 of 2022
and
C.M.P(MD)No.12236 of 2022

Alaska Export USA Inc
150, N.Wacker Drive, Suite 1400,
Chicago, Illinois-60606,
United States of America,
Represented by its Vice President
Veerasigu Bommiahswami.

... Petitioner/Petitioner/
Plaintiff

*(Rajamurugan is recognised to prosecute the case
on behalf of the petitioner as his power agent vide
Court order, dated 28.11.2022 made in
C.M.P(MD)No.11469 of 2022)*

Vs.

1.M/s.Alaska Export, USA Inc,
Through its Managing Partners,
No.203, Ezhil Nagar, Kovai Road,
Sengunthapuram Post,
Karur-2.

2.T.M.Ramalingam

3.S.Thirunavukarasu

... Respondents/Respondents/
Defendants



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PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 13-04-2022 in I.A.No. 746 of 2019 in C.O.S.No.3 of 2018 on the file of the Learned District Judge, Karur by allowing this civil revision petition.

For Petitioner : Mr.M.KarthikeyaVenkitachalapathy

For Respondents : Mr.K.Suresh

ORDER

The present revision petition has been filed by the plaintiff in a commercial suit in C.O.S.No.3 of 2018 pending on the file of the District Court, Karur.

2. According to the plaintiff, the agreement between the parties is a joint venture agreement with 5 pages. However, it is the case of the defendants it is not a joint venture agreement, but it is only a commission agreement having 4 pages. After completion of cross-examination of P.W.1, the present application has been filed by the plaintiff in I.A.No. 746 of 2019 to send the agreement in the suit to the forensic department to verify the type of letters in each page and to note down the difference therein with the help of experts. This application has been resisted by the defendants in the suit on the ground that there is no reference of forgery



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of signatures and hence, the question of referring the document to forensic expert does not arise. The defendants have further contended that the first and last page are admitted by both the parties and the pages in between the first and last is under dispute between the plaintiff and the defendants in the present suit.

3. The trial Court after considering the submissions on either side has arrived at a finding that it is not necessary to refer the matter for forensic expert and has dismissed the said application. Challenging the same, the present revision petition has been filed by the plaintiff.

4. The learned counsel appearing for the petitioner has contended that the defendants have inserted certain pages between the first page and the last page and this issue has to be resolved only by a forensic expert. However, the learned counsel for the respondents/defendants had contended that the signature of the parties is found only in the last page, which is admitted by both the parties. The other pages which are in dispute (except the first page) do not contain the signature of either of the parties. In such an event, the question of referring the document to forensic expert does not arise.



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5. I have carefully considered the submissions made on either side.

6. From the perusal of the dispute between the parties, this Court can easily find out that there is no dispute between the parties with regard to first and last page of the document. The actual dispute between the plaintiff and the defendants is relating to the pages in between the first page and last page. The revision petitioner/plaintiff contends that there are 3 pages in between the first and the last page. However, the learned counsel for the respondents/defendants contended that there are only 2 pages between the first and the last page. Admittedly, except the last page, none of the pages have got the signature of either of the parties. Therefore, it is clear that the issue of referring the matter to the forensic expert does not arise. Even assuming that there is a difference in the fonts in each one of the pages, it can be considered by the learned Judge himself. There is no necessity for referring the documents to forensic department. Therefore, I do not find any illegality or infirmity in the order passed by the learned trial Judge.



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7. With the above said observations, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

13.02.2023

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

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To

1. The District Judge,
Karur.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.2493 of 2022

13.02.2023