



C.R.P.(MD)No.3232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3232 of 2023

and

C.M.P.(MD)No.16678 of 2023

1.L.John Peter

2.L.Selvarani : Petitioners/Petitioners/Defendants

Vs.

M.Kanagaraj :Respondent/Respondent/Plaintiff

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No. 1 of 2023 in O.S.No.1253 of 2017 on the file of the II Additional Subordinate Judge, Tiruchirappalli, dated 04.09.2023.

For Petitioners : Mr.R.Balakrishnan

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.1 of 2023 in O.S.No.1253 of 2017, dated 04.09.2023 on the file of the II Additional Subordinate Judge, Tiruchirappalli, dismissing the



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petition filed under Order 26 Rule 10A of C.P.C., for appointing an Advocate Commissioner to get opinion of the expert after comparing the signatures found in the suit promissory note with the admitted signatures.

2. The respondent as plaintiff has filed the above suit for recovery of Rs.8,00,625/- with interest and costs. Pending suit, the defendant has filed an application seeking orders for appointment of Advocate Commissioner to send the disputed documents containing the disputed signatures along with the documents containing the admitted signatures for comparison and report.

3. The main contention of the revision petitioners is that though they have admitted the signatures of the first defendant found in the stamp affixed in the pronote, they are disputing the other signatures of the first defendant as well as in the signatures of the second defendant found in the suit pronote and that is why, they were constrained to file the above application.

4. But, in the written statement, they have taken a stand disputing all the signatures found in the suit promissory note. Though the written



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statement came to be filed on 31.07.2018, the present petition came to be filed in the year 2023. Though this Court is not agreeing with the observation of the learned trial Judge that the admitted signatures must be in the registered document, the observation of the learned trial Judge that the above petition came to be filed only to protract the matter, cannot be found fault with. Hence, this Court concludes that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

5. The learned counsel for the revision petitioner, at this juncture, would submit that the trial Court may be directed to compare the signature found in the suit promissory note with the admitted signatures. The revision petitioner is at liberty to canvass such a requisition before the trial Court and on such requisition being made, the learned trial Judge is directed to consider the same in accordance with law.

6. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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To

- 1.The II Additional Subordinate Judge, Tiruchirappalli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.3232 of 2023
and
C.M.P.(MD)No.16678 of 2023

Dated : 12.12.2023