



C.R.P. No.559 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

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1.Prakash
2.Konammal

... Petitioners

Vs.

Dhanalakshmi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decreetal order dated 08.11.2021 made in I.A.No.88/2019 O.S.No.126/2018 on the file of the Subordinate Judge, Palacode.

For Petitioners : Mr.V.R.Anna Gandhi

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed as against the order dated 08.11.2021 made in I.A.No.88/2019 in O.S.No.126/2018, whereby, I.A.,

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filed by the petitioners seeking to send the signature for expert opinion was dismissed.

2. The petitioners are defendants. The respondent is the plaintiff. Respondent/plaintiff filed Suit in O.S.No.126/2018, on the file of the Sub Court, Palacode, for recovery of money based on pro-note executed by the petitioners/defendants.

3. The petitioners/defendants denied their signatures in the pro-note and its execution. Hence, they filed I.A.No.88 of 2019, seeking to send the pro-note signature to finger print expert/hand writing expert to decide the genuiness of pronote. Since, the said application was dismissed by the learned Judge, trial court, the petitioners are before this Court with the present civil revision petition.

4. The learned counsel appearing for the petitioners/defendants submitted that the promissory note is forged one and the petitioners/defendants have not signed any promissory note. The signature

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of the respondent/plaintiff found in the plaint and in the promissory note are entirely different and hence the same requires expert analysis. Therefore, I.A.No.88/2019 was filed seeking to send the promissory note for expert opinion. However, the learned Judge dismissed the said application.

5. The learned counsel appearing for the respondent/plaintiff submitted that the petitioners/defendants taken loan amount of Rs.3,00,000/- by way of promissory note and made signatures therein. In order to escape from their liability, petitioners/defendants denied their signatures in the said promissory note. Further, the defendants have not produced any admitted documents to prove their case. Hence, the learned Judge has rightly dismissed I.A.No.88/2019.

6. Heard both sides and also perused the materials available on record.

7. A perusal of the impugned order would go to show that the learned Judge given findings that even though the defendants contend that the pro-



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note is a forged one, for comparing the signature in the pronote with the admitted documents, no such admitted documents have been produced by the defendants. The learned Judge also pointed out that the signature of the plaintiff in the plaint and pro-note cannot be compared as it is not contemporaneous signature. Stating so, the learned Judge dismissed the I.A.

8. In my considered opinion, reasons assigned by the learned Judge in the impugned order for dismissing the I.A., is well founded. Therefore, this Court does not find any error in the order passed by the Trial Court in I.A.No.88/2019 in O.S.No.126/2018 dated 08.11.2021.

9. Accordingly, this Civil Revision Petition is dismissed. No costs.

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To
The Subordinate Judge, Palacode.

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J.NISHA BANU,J.

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