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C.R.P.No.4027 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03..10..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition No.4027 of 2024

and

C.M.P.No.22140 of 2024

L.Sounthirarajan

..... Petitioner

-Versus-

R.Jagadeesh

..... Respondent

Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 19.07.2024 made in I.A.No.4 of 2023 in O.S.No.91 of 2019 by the learned District Munsif, Bhavani, Erode District.

For Petitioner : Mr.V.Vijayakumar

ORDER

This civil revision petition arises against an order dated 19.07.2024 made in I.A.No.4 of 2023 in O.S.No.91 of 2019 by the learned District Munsif, Bhavani, Erode District.



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2. O.S.No.91 of 2019 on the file of the learned District Munsif, Bhavani, Erode District, is the suit for recovery of a sum of Rs.15,000/- together with interest thereon. The defendant-civil revision petitioner entered appearance and took a plea that the signature found in the promissory note is a forgery. Based on this pleading, the parties went for trial. During the course of trial, the plaintiff examined himself as P.W.1, the attesting witnesses as P.W.2, and the scribe of the document as P.W.3. The scribe P.W.3-Sridhar, in clear and categorical terms, admitted that the signature found in Ex.A.1 promissory note is his signature. When the plaintiff suggested to P.W.3 as to whether P.W.3 has any objections if the document is sent for forensic examination, P.W.3 accepted that he has no objection to sending the document for forensic examination. On the basis of this stray sentence in evidence, the defendant took out an application to send the document under Ex.A.1 for the purpose of comparison of the signature of the scribe-P.W.3. This application was numbered as I.A.No.4 of 2023. The learned District Munsif, after the receipt of the counter from the respondent/plaintiff, was pleased to dismiss the application. Hence, this revision.

3. Heard Mr.V.Vijayakumar for the civil revision petitioner.



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4. Mr.V.Vijayakumar pleads that the civil revision petitioner/defendant has filed a written statement stating that the entire promissory note is an act of fabrication and, therefore, the document has to be sent to the handwriting expert for the purpose of comparing the signature of the scribe-P.W.3 along with his admitted signature.

5. A perusal of the evidence tendered by the scribe on 22.06.2023 would show that he has admitted his signature. When a party to a document enters the witness box and makes a solemn statement that the signature found in the document is that of his, there is no question of taking out an application to send the document to compare the signature with his admitted signature.

6. It is not the case where P.W.3 has denied his signature. On the contrary, he has accepted the same. Such being the situation, the question of taking out an application to compare his signature does not arise. The plea of the defendant is that his signature is forged. For that plea, the issue of comparing the signature of the scribe-P.W.3 along with his admitted signature is an unnecessary exercise. I do not find any reason to interfere with the order passed by the learned District Munsif, Bhavani, Erode District, dated 19.07.2024 made in I.A.No.4 of 2023 in O.S.No.91 of 2019.



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In the result, the civil revision petition is dismissed. No costs.

WEB Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

1.The District Munsif, Bhavani, Erode District.



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V.LAKSHMINARAYANAN.J.,

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