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C.R.P.No.4648 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.4648 of 2024
and C.M.P.No.25951 of 2024

Pandiyan

.. Petitioner

Versus

Radha

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 16.07.2024 passed in I.A.No.4 of 2024 in O.S.No.127 of 2022 on the file of the Principal District Judge, Tiruvannamalai.

For Petitioner : Ms.G.S.Dhanalakshmi
for M/s.Om Sai Ram

ORDER

This civil revision petition challenges the order of the learned Principal District Judge, Thiruvannamalai in I.A.No.4 of 2024 in O.S.No.127 of 2022 dated 16.07.2024.



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2. O.S.No.127 of 2022 is a suit for recovery of money on the basis of a promissory note for a sum of Rs.12,00,000/-. The defendant entered appearance and filed a written statement denying his signature on the promissory note. Subsequently, he took out an application in I.A.No.4 of 2024 seeking for appointment of an Advocate Commissioner to take the suit promissory note and compare it along with his admitted signature in a sale deed dated 21.03.2018 in document No. 379 of 2018, wherein the defendant had signed as a witness.

3. The said application was resisted by the plaintiff on two grounds. The first ground being that there is a possibility of change in the signature, since the sale deed is of the year 2018 and the promissory note was executed in 2021. Secondly, the postal acknowledgement of the civil revision petitioner, the court notice, the summons copy etc., can be compared with the suit promissory note and that would suffice for the case.

4. The learned Trial Judge, after consideration of the affidavit and counter, dismissed the petition holding that the admitted document that had been produced is a certified photostat one. He found that a photostat copy is



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capable of manipulations or interpolations and hence, rejected the same.

Hence, this revision.

5. I have heard Ms.G.S.Dhanalakshmi for M/s.Om Sai Ram for the civil revision petitioner.

6. Ms.G.S.Dhanalakshmi points out that the document she has produced cannot be disputed, since it is a certified copy maintained by the Sub Registrar. She further argues that the said document had come into force three years prior to the alleged promissory note and therefore, there is no bar in comparing the same.

7. Insofar as the period of comparison is concerned, there is no dispute that even if a document is not contemporaneous, it is entirely within the jurisdiction of the expert to decide whether the signature can be compared or not. For the mere fact that the admitted signature is separated by distance of time with the disputed signature, the application need not be rejected.



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8. However, for the purpose of comparison, it requires the expert to give an opinion after comparing originals. The document produced for comparison is a certified photostat copy attested by the Sub Registrar. The certificate can only be certifying it to be a copy of the document that had been registered on his file. For the mere fact that the copy has been certified by the Sub Registrar does not convert the photostat into an original. Therefore, the plea of Ms.G.S.Dhanalakshmi that the photostat copy can be compared with the original is not acceptable.

9. In the light of the above, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. It is left open to the defendant to produce any original of his signature and seek for comparison of the same with the disputed promissory note.

21.11.2024

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



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To

The Principal District Judge, Tiruvannamalai.



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V.LAKSHMINARAYANAN, J.

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