



CRP(MD)No.299 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP(MD)No.299 of 2020

and

CMP(MD)Nos.1714 of 2020 and 14127 of 2023

Selveswari

... Petitioner/Petitioner/Defendant

Vs

Ramasubramaniyan

... Respondent/Respondent/Plaintiff

Prayer:

This Petition is filed under Article 227 of the Constitution of India to call for the records and set aside the order in I.A.No.793 of 2017 in O.S.No.309 of 2016 on the file of the learned Principal Subordinate Judge, Srivilliputtur, dated 30.08.2019.

For Petitioner : Mr.S.Muniyandi

For Respondent : Mr.S.Venkatesh
for Mr.A.Sivaji

ORDER

The Civil Revision Petition is filed to set aside the order in I.A.No.793 of 2017 in O.S.No.309 of 2016 on the file of the learned Principal Subordinate Judge, Srivilliputtur, dated 30.08.2019.



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2.The petitioner is the defendant and the respondent is the plaintiff in O.S.No.309 of 2016. The suit was filed for recovery of money. Pending suit, the petitioner/defendant filed I.A.No.793 of 2017 before the trial Court to send the signature to the handwriting expert to compare the signature of the petitioner along with the pro-note and to file a report. After conclusion of trial, the trial Court dismissed the said I.A.No.793 of 2017 without any valid reasons. Against which, the present petition is filed.

3.The learned counsel for the petitioner contends that the petitioner has never executed any pro-note in favour of the respondent and the signature found in the pro-note is differ. He further contends that the respondent has fabricated a false pro-note as if the petitioner had executed the same in favour of him.

4.The learned counsel for the respondent contends that the petitioner/defendant had not filed any contemporary documents to compare the signature, even if it is denied, a contemporary document ought to have been filed by the petitioner/defendant before the trial Court. He further contends that the trial Court has recorded that no document was filed by the defendant to send the same for comparison.



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5.The only point for consideration is whether the petitioner had filed any contemporary documents to compare the signature. It is the case of the petitioner that she denies the existence of a promissory note or that the signature finds place in the promissory note, and it is a matter for trial to ascertain whether any contemporary document was filed for comparison by the petitioner.

6.In view of the same, the order passed by the trial Court in I.A.No.793 of 2017 in O.S.No.309 of 2016 needs no interference and the same is hereby confirmed.

7.Since the suit is of the year 2016, the learned Principal Subordinate Judge, Srivilliputtur, is directed to dispose of the case in O.S.No.309 of 2016 within a period of one year from the date of receipt of a copy of this order.

8.With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SENTHILKUMAR, J.

sjj

To

The Principal Subordinate Judge, Srivilliputtur.

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