



C.R.P(MD)No.2640 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2640 of 2024
and
C.M.P(MD)No.15175 of 2024

N.Karuppasamy

... Petitioner /
Petitioner

Vs.

1.D.Valarmathi

2.S.Vasuki

... Respondents 1 & 2/
Petitioners /
Plaintiffs

3.Saranya

... 3rd Respondent /
2nd Respondent /
2nd Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 10.09.2024 made in I.A.No.6 of 2023 in O.S.No.237 of 2021 on the file of the learned Additional District Judge, Dindigul by allowing this Civil Revision Petition.

For Petitioner : Mr.V.Muthu Kamatchi



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ORDER

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The first defendant in O.S.No.237 of 2021 on the file of Additional District Court, Dindigul is the revision petitioner herein. It is a suit for recovery of money. The plaintiff filed I.A.No.6 of 2023 under Order 26 Rule 10(A) for obtaining signature and thumb impression from the first defendant and sending them for forensic lab. The said IA was allowed on 19.09.2023. The petitioner's signature as well as thumb impression was taken. The Advocate Commissioner could not execute the warrant because the requisite facility were not available in the Laboratory of Madurai. Subsequently he filed a memo stating that the opinion can be obtained from R.F.S.L, Madurai itself and that there is no necessity to send the signature and thumb impression specimens to chennai.

2.However, the Commissioner informed the Court that additional signatures were required. The Court below accepted and acting on the said memo, the Court below directed the petitioner to appear and put his signatures. Questioning the said order dated 10.09.2024, this Civil Revision Petition has been filed.



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3.The learned counsel for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of Civil Revision Petition. He submits that he had put his signature one year earlier and on account of efflux of time, his signature is bound to vary. If that may be so, but then, the learned counsel for the revision petitioner is unable to convince me that his right will be affected as a result.

4.The impugned order dated 10.09.2024 is only in continuation of the earlier order dated 19.09.2023. R.F.S.L, Madurai is insisting on additional signatures and it is the duty of the petitioner herein to abide by the same. Interference with the impugned order is not warranted.

5.This Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

The Additional District Judge,
Dindigul.

C.R.P(MD)No.2640 of 2024
and
C.M.P(MD)No.15175 of 2024

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