



CRP(MD).Nos.3414 and 3415 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

CRP(MD).Nos.3414 and 3415 of 2023 and
CMP(MD).Nos. 17594 of 2023

Chitrarani

... Petitioner in both CRPs

Vs.

S.Kalaiselvi

... Respondent in both CRPs

COMMON PRAYER:- Petitions filed under Article 227 of the Constitution of India to call for the records relating to the fair and decreetal order in I.A.Nos.2 and 3 of 2023 in O.S.No.1134 of 2015 passed by the IV Additional Sub Court, Tiruchirapalli, dated 27.09.2023.

For Petitioner : Mr. K.P.Narayanakumar
in both CRPs

COMMON ORDER

These Civil Revision Petitions have been filed against the fair and decreetal order, dated 27.09.2023 made in I.A.Nos.2 and 3 of 2023 in O.S.No.1134 of 2015 on the file of IV Additional Sub Court,



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Tiruchirapalli.

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2. The suit is O.S.No.1134 of 2015 was filed by the revision petitioner herein for a recovery of sum of Rs. 5,00,000/- with subsequent cost and interest on the basis of the pro-note dated, 05.03.2013. The respondent / defendant entered appearance and during the further process the petition was taken out by the petitioner in I.A.Nos.2 and 3 of 2023 for comparing the signature put by the defendant in Vakalath, written statement, affidavits and to compare the pronote signature with the contemporary signature. Already, I.A.No.1 of 2019 was filed by the respondent for similar relief that was allowed and expert opinion also received. The petitioner herein has filed objection against the expert opinion stating that the contemporaneous signature of the defendant was not compared by the expert so fresh report must be obtained by sending the above said documents once again for expert examination. That was resisted by the respondent stating that the second petition is not maintainable that came to be dismissed by the trial Court stating that repeated petitions cannot be entertained and apart from that the other factual aspects were also taken into account.



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3. Aggrieved over the same, these Civil Revision Petitions are preferred on the ground that since contemporary period signature is not sent for expert examination, the second petition ought to have been allowed by the trial Court.

4. Heard the learned counsel appearing for the petitioner. Since no adverse order is passed against the respondent, notice to the respondents is not necessary.

5. This Court completely atloss to understand the reasoning for these revisions. Already expert opinion is available before the Court, the reliability of the expert opinion are all matters for consideration by the trial Court on the basis of evidence to be adduced by the expert. When I.A.No.1 of 2019 was allowed, the petitioner ought to have taken proper steps to procure the contemporary signatures of the defendant or at least would have filed a memo directing the defendant to produce the documents of such nature. Having failed in the first petition, now, the second petition has been taken up seeking the second appointment of expert which does not lie at all. So I do not find any reason to interfere with the order passed by the trial Court.



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6. In the result, these Civil Revision Petitions are dismissed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

23.02.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
trp

To

IV Additional Sub Court, Tiruchirapalli.



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G.ILANGOVA,J.

Trp

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