



C.R.P.No.543 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.543 of 2024

G.Shanmugam

... Petitioner

VS.

N.Kanaga

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 21.09.2023 made in I.A.No.4 of 2023 in O.S.No.33 of 2022 on the file of the Court of Subordinate Judge, Sirkazhi.

For Petitioner : Mr.M.Ganesh

For Respondent : Mr.P.Dinesh Kumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Subordinate Judge, Sirkazhi in I.A.No.4 of 2023 in O.S.No.33 of 2022,



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dated 21.09.2023 dismissing the application filed by the petitioner seeking comparison of the signature found in the disputed Sale Agreement with the signature found in the admitted document.

2. The petitioner herein filed a suit for Specific Performance of Sale Agreement dated 07.01.2013. The Sale Agreement was entered into between the petitioner and husband of the respondent. Subsequently, the Agreement Vendor-Narkunam died. Therefore, a suit was laid against his wife, the respondent herein.

3. When respondent was examined as DW.1, she specifically denied the signature found in the Suit Sale Agreement. Therefore, the instant application has been filed seeking comparison of the signature of Narkunam found in Suit Sale Agreement with the admitted signature of Narkunam found in the Sale Deed in his favour, marked as Ex.A2. The said application was dismissed by the Trial Court on the ground that the petitioner failed to furnish any contemporaneous document. Aggrieved by the same, the petitioner has come before this Court.



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4. The learned counsel appearing for the petitioner would submit that the execution of Suit Sale Agreement is denied by the respondent. Therefore, an Expert opinion regarding the signature found in the disputed document will be helpful to the Court to decide the *lis*.

5. It is settled law for the purpose of comparison of the signature, contemporaneous document should be pressed into service. In the case on hand, the Suit Sale Agreement dated 07.01.2013 and the admitted document produced by the petitioner for comparison was dated 19.04.2007. Since petitioner failed to produce the contemporaneous admitted document, the comparison of the signature found in the questioned document is not at all possible. Infact, a Division Bench of this Court in ***Central Bank of India and others vs. Antony Hardware Mart and others*** reported in **2006 (3) CCC 285 = MANU/TN/2630/2005** held that comparison shall be done only with the contemporaneous document. In view of the same, I do not find any material irregularity in the order passed by the Trial Court in I.A.No.4 of 2023 in O.S.No.33 of 2022, dated 21.09.2023.



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6. Accordingly, the Civil Revision Petition stands dismissed. It is made clear that the dismissal of this civil revision petition will not come in the way of petitioner seeking comparison of the questioned document with any contemporaneous document, if it is available with the petitioner. No costs.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

The Subordinate Court,
Sirkazhi.



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S.SOUNTHAR, J.

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