



C.R.P.No.550 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.550 of 2024

and

C.M.P.No.2726 of 2024

P.Ganesh

...Petitioner

/versus/

N.Dharmalingam

...Respondent

Prayer: Civil Revision Petition is filed under Section 227 of the Constitution of India, pleaded to set aside the fair and final order dated 16.08.2023 made in I.A.No.4 of 2023 in O.S.No.1182 of 2019 on the file of the I Additional Subordinate Court, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : M/s.V.Anandhamurthy

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondent/defendant seeking comparison of signature and thumb impression found in the suit promissory note



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with the admitted documents.

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2. The petitioner herein filed a suit for recovery of money based on the promissory note dated 26.05.2019. The respondent herein filed a written statement denying the execution of the suit promissory note and contended that the said document was a forged document.

3. The respondent/defendant herein filed an application for appointment of an Advocate Commissioner to enable the disputed promissory note to be sent for comparison with the admitted documents. The said application was allowed by the trial court.

4. The learned counsel for the petitioner would submit that the contemporaneous documents produced by the respondent are not authenticated documents and that the same could not be compared with the thumb impression found in the suit document. It is further contended that the respondent has not at all denied the thumb impression in the suit document and hence a comparison with the admitted thumb impression is not at all warranted.



5. The learned counsel for the respondent would submit that the very execution of the suit promissory note is denied by the respondent and therefore, opinion of expert with regard to the disputed signature and thumb impression found in the suit promissory note is very much relevant for adjudicating the controversy in the suit.

6. In the affidavit filed in support of the petition seeking appointment of Advocate Commissioner to send document for comparison, the respondent has not mentioned the details of the admitted document available for the purpose of comparison. However, in the earlier I.A.No.3 of 2022 filed by the respondent, he referred about the domestic customer card issued by Om Prakash Indane Services, Kovai Road, Kangeyam. In the counter to I.A.No.3 of 2022, the petitioner specifically disputed that the said document and stated that all the documents relied on by the respondent were not authenticated. Further, I.A.No.3 of 2022 was resisted by the petitioner on the ground that no application was filed seeking comparison of thumb impression with the admitted document. Thereafter, the respondent filed an application in I.A.No.4 of 2022 seeking appointment of Advocate Commissioner for comparison.



7. In view of serious dispute raised by the petitioner with regard to the authenticity of the contemporaneous document relied on by the respondent, this Court is of the view that the questioned document cannot be compared with the document produced by the respondent, which was also disputed by the petitioner. As far as the thumb impression is concerned, the trial Court is directed to get the respondent's thumb impression in open Court and the Advocate Commissioner can take sample obtained in open Court for comparison with the disputed thumb impression found in suit promissory note. Since the thumb impression of a person does not undergo any change over time, the thumb impression obtained in open Court can be used for effective comparison.

8. In view of the above mentioned discussion, the impugned order passed by the trial Court for comparing the signature of the respondent found in the gas connection book with the signature in the suit promissory note, is set aside. The Advocate Commissioner appointed by the trial Court is directed to take thumb impression of the respondent obtained in open Court for comparison with thumb impression in suit promissory note by expert as directed by the trial Court.

9. With this modification, this Civil Revision Petition is disposed of .
Consequently, the connected Civil Miscellaneous Petitions are closed. No costs. If

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the respondent is able to produce any registered authenticated contemporaneous document, it is always open to him to seek comparison of the same with the signature in questioned document.

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Index : Yes/No
Internet : Yes/No
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To

The I Additional Subordinate Court, Erode.



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S.SOUNTHAR,J.

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