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CRP No.707 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :30.06.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.707 of 2025
and CMP No.4045 of 2025

R.Sivanesan

.... Petitioner

VS

R.Venugopal

... Respondent

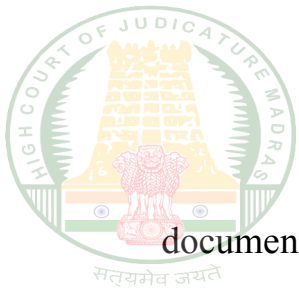
Revision filed under Article 227 of the Constitution of India against the fair and decreetal order dated 12.12.2024 made in I.A.No.9 of 2024 in O.S.No.99 of 2021 on the file of Principal Sub Court, Puducherry and to allow the above I.A.No.9 of 2024.

For Petitioner : Mr.S.Vijaya Kumar

For Respondent : Ms.G.Sumitra

ORDER

The Civil Revision Petition is filed by the petitioner/plaintiff challenging the dismissal of his application in I.A.No.9 of 2024, seeking issuance of summons to the Sub Registrar, Oulgaret, Puducherry to produce the Book-1, Thumb and Signature Register of the specific date 23.06.1998 covering the



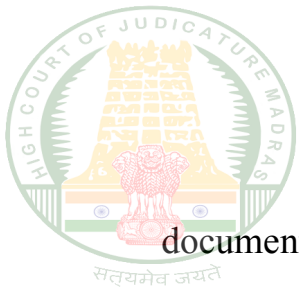
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document Nos.2450 to 2455 of 1998.

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2. The plaintiff has disputed his signature as well as thumb impression in the said Register. However, in respect of thumb impression, complaint was lodged by the petitioner/plaintiff before the Criminal Court and before the Criminal Court, exercise of having an expert going in to the thumb impressions was undertaken and finding was rendered by the Criminal Court that the thumb impressions are identical and the same was unsuccessfully challenged by the petitioner/plaintiff upto this Court in Crl.O.P.No.14756 of 2024, where, this Court, by order dated 03.03.2025 dismissed the application filed by the petitioner/plaintiff to set aside the order passed by the learned III Additional Session Judge, Puducherry dated 23.04.2024 in Crl.R.C.No.33 of 2022 confirming the order dated 03.10.2022 passed by Judicial Magistrate No.II, Puducherry in Crl.M.P.no.2258 of 2022.

3. Learned counsel for the petitioner/plaintiff would state that after the document having been executed in favour of the respondent/defendant within a period of three days, the petitioner/plaintiff has executed another registered deed before the very same Sub Registrar Office and that both the thumb impression as well as signatures are available and they are admittedly contemporaneous



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documents being executed within three days apart. Therefore, the documents would have to be necessarily sent for comparison to establish the plaintiff's case of forgery and impersonation.

4. Per contra, learned counsel for the respondent would contend that insofar as the complaint lodged by the petitioner, the matter attained finality and CrI.O.P.No.14756 of 2024 was dismissed and the Report of the expert that the thumb impressions of the petitioner/plaintiff are identical has become final and now the plaintiff cannot be allowed to re-agitate the same. Learned counsel would submit that the disputed signature is after the documents that were executed prior in point of time and therefore, conveniently, the plaintiff has changed his signature and only under such circumstances, the application is opposed seriously, since no useful purpose would be served for sending the document for comparison to the Forensic Department.

6. I have considered the submissions advanced by the learned counsel on either side and have gone through the impugned order.

7. The trial court has dismissed the application only on the ground that the petitioner/plaintiff has not stated that he is not in possession of the original

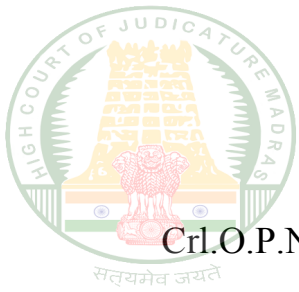


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records for the purpose of producing the same for comparison. I am unable to sustain the said findings arrived at by the trial Court.

8. Admittedly, the petitioner/plaintiff wanted only to summon the register, which is maintained by the Sub Registrar, Oulgaret, Puducherry viz., Book-1, which is a Thumb and Signature Register, in which, the parties executing the documents will affix their signatures as well as left thumb impressions on the date on which the documents are registered before the Sub Registrar. Such Signature Register admittedly cannot be available with the petitioner/plaintiff in original and only under circumstances, in order to compare the said signatures and thumb impressions available in the register for the date 23.06.1998, the petitioner/plaintiff had taken out the application. However, as rightly contended by the learned counsel for the respondent/defendant, insofar as the thumb impression report having become final, the plaintiff cannot be allowed to re-open and re-agitate the very same issue under the guise of taking out an application in the civil suit.

9. In this regard, I find force in the submission of the learned counsel for the respondent/defendant. The petitioner, despite having lost before the Magistrate Court, filed a revision and also filed a petition before this Court in



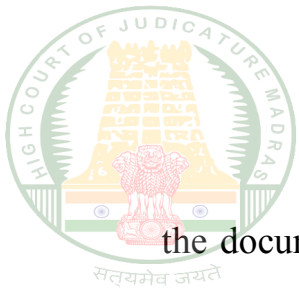
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Crl.O.P.No.14765 of 2024 which also came to be dismissed on 03.03.2025

holding that the finding of the Magistrate that accepting the Report regarding the finger prints being identical cannot be interfered with. I had the occasion of going through the disputed signatures and even to the naked eye there appears to be some difference. However, it is left to the experts to give a opinion whether the signature of the same person is available in both the registers dated 23.06.1998 and 04.06.1998, which is the admitted signature of the revision petitioner.

10. An Advocate Commissioner was appointed in I.A.No.205 of 2022 and at the stage of the production of documents, the application to summon the documents was dismissed by the trial court. Having already found that the Trial Court erred in dismissing the application, I direct the trial Court to summon the registers , particulars of which are available at Page Nos.30 and 33 of the Typed set in CRP and thereafter, direct the same Advocate Commissioner, for taking the registers to the Forensic Department, Chennai for the purpose of comparing only the signatures of the plaintiff R.Sivanesan (not thumb impression).

11. Admittedly, the registers are also available with Sub Registrar's Office and it is established by the fact that the petitioner/plaintiff has obtained



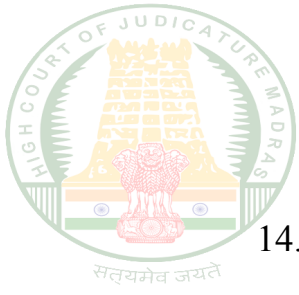
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the documents under the provisions of Right to Information Act and produced

WEB the same before this Court.

12. In the light of the above, the order passed by the trial Court in I.A.No.9 of 2024 dated 12.12.2024 is set aside and the trial Court is directed to issue summons to the Sub Registrar, Oulgaret, Puducherry to produce Book-1, Thumb and Signature Register containing the signatures of the executants who have executed the documents before the Registrar on 04.06.1998 and 23.06.1998. On the said documents being produced by the Sub Registrar, the trial Court shall direct the learned Advocate Commissioner to hand over such Registers to the Forensic Department at Chennai and seek an expert's opinion.

13. The trial Court is also directed to expedite the hearing of the application, considering that the suit is of the year 2021 and the trial Court shall direct the Forensic Department to give its Report expeditiously within a period of eight weeks from the date of receipt of a copy of this order and thereafter, the trial Court shall take up the suit and dispose of the suit in O.S.No.99 of 2021 within a period of six months.



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14. With the above direction, the civil revision petition is partly allowed.

WEB COPY No costs. Consequently, connected miscellaneous petition is closed.

30.06.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

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To

The Principal Sub Court, Puducherry



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P.B.BALAJI.,J.

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