



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 784 of 2023

& CMP.No.6009 of 2023

Kwality Spinning Mills Private Limited
Rep. by its Manaing Director M. Sathappan Ravi,
Solapalayam Village, Pollachi Taluk, Coimbtore
District - 642 003.

Petitioner(s)

Vs

M. Sangeetha
W/o. R. Manoj Kumar, 6/4B, Parameshwaran
Layout, P.N. Palayam, Coimbatore South - 641
037. and another

Respondent(s)

For Petitioner(s): Mrs.Chitra Sampath
for Mr.T.S. Baskaran

For Respondent(s): Mr.I Abrar Mohamed Abdullah

ORDER

The matter is listed today under the caption 'for being mentioned' at the instance of Mr.T.S.Baskaran, learned counsel for the petitioner.

2.Mrs.Chitra Sampath, learned Senior Counsel appearing for Mr.T.S.Baskar, learned counsel for the petitioner would submit that even in the counter, the petitioner had stated that the Court can compare the



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signatures with the documents available before the Court. She would further submit that though the application was opposed and sought to be dismissed, when the other documents are admittedly available before this Court in order to get clear picture regarding the disputed signature, it would be better to send all the documents instead of only the registered Cart Track Agreement for comparison with the disputed document.

3.However, the learned counsel for the respondents, Mr.I.Abrar Mohamed Abdullah would state that the respondents had only sought for dismissal of the application and it was not their case that the application could be allowed and further documents could also be sent for comparison along with the Cart Track Agreement.

4.In fact, I have addressed this issue while disposing of the revision. However, it is made clear that the order dismissing the civil revision petition will not come in the way of the petitioner's taking out an independent application for comparison of signatures. If any such application is taken, the Trial Court shall decide the same purely on merits and in accordance with law, not being carried away by any of the observations made in this revision.



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5.The order passed today i.e 30.06.2025 shall form part of the order pronounced on 27.06.2025.

30-06-2025

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To
The Subordinate Court, Arakkonam.

CRP NO. 784 of 2023
& CMP.No.6009 of 2023



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 18.06.2025

Order pronounced on : 27.06.2025

CORAM

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

CRP.No.784 of 2023
& C.M.P.No.6009 of 2023

Kwality Spinning Mills Private Limited,
Rep. by its Managing Director,
Mr.M.Sathappan Ravi,
Solapalayam Village,
Pollachi Taluk,
Coimbatore District – 642 003.

..Petitioner

Vs.

1.M.Sangeetha
2.R.Sudha
..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 23.02.2023 passed in I.A.No.6 of 2021 in I.A.No.2 of 2020 in O.S.No.793 of 2020 on the file of the learned I Additional District Judge, Coimbatore.

For Petitioner : Mrs.Chitra Sampath



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Senior Counsel
for Mr.T.S.Baskaran
For Respondents : Mr.I Abrar Mohamed Abdullah

ORDER

This Civil Revision Petition has been preferred challenging the order dated 23.02.2023 passed in I.A.No.6 of 2021 in I.A.No.2 of 2020 in O.S.No.793 of 2020 on the file of the learned I Additional District Judge, Coimbatore.

2.The defendant in O.S.No.793 of 2020 is the revision petitioner herein. The plaintiffs in the said suit had filed an application in I.A.No.6 of 2021 under Section 45 of the Evidence Act r/w Order XXVI Rule 10A and Section 151 of CPC. The Trial Court allowed the said application and aggrieved by the same, the defendant is before this Court by way of the above revision.

3.I have heard Mrs. Chitra Sampath, learned Senior Counsel for Mr.T.S.Baskaran, learned counsel for the petitioner/defendant and Mr.I. Abrar Mohammed Abdullah, learned counsel for the respondents/plaintiffs.

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4.Mrs.Chitra Sampath, learned Senior Counsel would submit that the suit has been filed by the respondent for recovery of monies allegedly due from the petitioner/defendant. Pending the suit, the respondents/plaintiffs have taken out an application in I.A.No.6 of 2021 to establish that they had never executed any document in this nature of a receipt dated 05.12.2018, which according to the respondents/plaintiffs are forged and fabricated. The said application was resisted by the petitioner/defendant stating that the document was executed before a Notary Public and the same is also witnessed by two persons, who have also signed before the said Notary Public as well as in the register maintained by the Notary Public. Therefore, the application was opposed stating that the Court can decide the issue by itself without sending the document to the Forensic Department. The Trial Court had allowed the application, as against which, the defendant has come up by way of the present revision.

5.The learned Senior Counsel, Mrs.Chitra Sampath, would take me through the plaint averments and contend that the Court ought to have directed comparison of the signatures as found in the receipt dated



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05.12.2018, not only with the agreement dated 04.11.2019 but also other documents that have been listed out by the revision petitioner. The learned Senior Counsel would further state that the respondents have not been consistent in putting, affixing their signatures and that they are in the habit of signing differently at different points of time and therefore, the learned Senior Counsel would state that comparison of just two documents would not give an accurate picture to the learned Judge. Therefore, the learned Senior Counsel would submit that all the documents that have been set out in the list of documents would have to be sent along with the receipt dated 05.12.2018 and the Cart Track Agreement dated 04.11.2019 to enable a proper and effective comparison to be carried out by an expert.

6.Per contra, Mr.I.Abrar Mohamed Abdullah, learned counsel for the respondents would state that the revision petitioner did not take out any application for comparison of the signatures and it is only the respondents/plaintiffs who have taken out the application under Section 45 of the Evidence Act. Pointing out to the counter affidavit filed by the respondents, he would further state that such a request was never made before the Trial Court and the only stand taken in the counter affidavit was that in view of the documents which are already available before the Trial



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Court, there is no necessity to send any documents to the Forensic Department. He would therefore state that without an application being filed, a new case cannot be advanced before this Court. After having opposed the application under Section 45 of the Evidence Act, petitioner cannot turn around and plead a new case as if he has no objection for the comparison, but further documents will have to be sent to the expert for getting an accurate report. He would therefore seek for dismissal of the revision petition.

7.I have carefully considered the submissions advanced by the learned Senior Counsel for the petitioner and the learned counsel for the respondents.

8.The respondents/plaintiffs have filed a suit in O.S.No.793 of 2020 for recovery of sum of Rs.1,75,00,000/- from the petitioner/defendant company. A defense is taken by the revision petitioner as defendant that payments made on 05.12.2018 was in respect of earlier transactions. It is the further case of the defendant that on 04.11.2019, the plaintiffs have executed a confirmation deed along with the defendant which was before a



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Notary Public and in and by the said document, the parties had agreed to correct the error in the boundary in the Sale Deed dated 05.12.2018.

9.It is further contended that the Sale Deed in respect of which the suit claim is laid was itself brought about, is a clandestine and fraudulent manner. Refuting the allegations made by the defendant and in order to establish that the plaintiffs never signed in the receipt on 05.12.2018, the plaintiffs have taken out the application seeking comparison of the said signatures with the admitted signatures in the Cart Track Agreement dated 04.11.2019. The Trial Court has duly enquired into the request made by the plaintiffs and by a considered order, has allowed the application, holding that it would be beneficial for the Court to have the document scientifically analysed by the expert. In view of the specific contention of the plaintiffs that they have not signed the alleged receipt and that the words 'received receipt is not written by them'.

10.In such circumstances, the Court has exercised discretion to call for an expert opinion to compare the signature of the petitioner as found in the registered Cart Track Agreement dated 04.11.2019 with the alleged



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receipt dated 05.12.2018. The documents are contemporaneous in nature, executed within a period of one year between each other. Before the Trial court, as rightly pointed out by the learned counsel for the respondent, there was total denial / refusal to accede to the request for sending the documents for comparison.

11.The specific stand taken by the revision petitioner was that the documents available before the Court would itself be sufficient to decide the contentious issues. It was never contended by the revision petitioner before the Trial Court that all other documents can also be sent for comparison since the petitioner signs differently in different places. Having not pleaded such a case before the Trial Court, the revision petitioner/defendant is now trying to improve the case in revision. Moreover, the application seeking comparison was not at the instance of the revision petitioner but at the instance of the respondents/plaintiffs. Therefore, testing the order of the Trial Court in the light of the above narrated facts and circumstances, I do not find any illegality or perversity in the order passed by the Trial Court.

12.In fine, the Civil Revision Petition is dismissed. The I Additional



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District Judge, Coimbatore, is directed to dispose of O.S.No.793 of 2020, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs.

Connected Civil Miscellaneous Petition is closed.

27.06.2025

Speaking/Non-speaking order

Index : Yes/No

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To

1.The I Additional District Judge, Coimbatore.

P.B.BALAJI.J.

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Pre-delivery order made in
CRP.No.784 of 2023
& C.M.P.No.6009 of 2023

27.06.2025