



WEB COPY

C.R.P.(PD) No.1296 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.1296 of 2025
and CMP.No.7729 of 2025

Jagir Hussain

... Petitioner /Respondent/Plaintiff

Vs.

Abdul Naseer

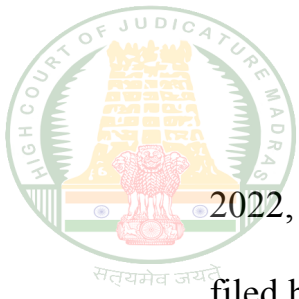
... Respondent /Petitioner /
Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 20.02.2025 made in I.A.No.5 of 2024 in O.S.No.497 of 2022 on the file of the Additional District Court, Hosur and allow the above civil revision petition.

For Petitioner : Mr.S.Ravichandran

ORDER

The revision petitioner/plaintiff has challenged the order passed by the learned Additional District Munsif in I.A.No.5 of 2024 in O.S.No.497 of



WEB COPY

2022, in and by which the learned Judge has allowed the said application filed by the defendant to compare his signature, and directed to send the suit promissory note along with other documents namely lease agreement, partnership deed, served summon, vakalath, police summons, petition, affidavit and written statement etc., to Forensic Department.

2. The revision petitioner is the plaintiff in the suit in O.S.497/2022.

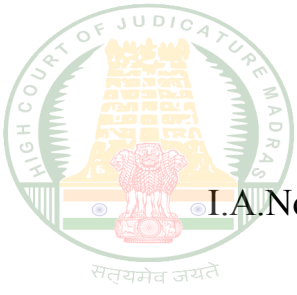
The suit was filed seeking a direction to the defendant to pay a sum of Rs.21,76,000/- which includes the principal loan amount of Rs.15.0 lakhs and interest. The defendant would contend that a false suit has been filed by the plaintiff against him, as if he had executed a promissory note and received a sum of Rs.15.0 lakhs as loan. Hence, with an intent to disprove the case of the plaintiff, the defendant has filed I.A.No.5 of 2025 seeking for an expert opinion *inter alia* by comparing his signature available in the documents produced before the Court.

3. This application was opposed by the plaintiff/revision petitioner on the ground that these documents are not contemporaneous documents. However, the said I.A. came to be allowed. Hence, the present revision

petition to set aside the order of the Court below passed in I.A.No.5 of 2024.

4. Heard the learned counsel appearing for the revision petitioner/plaintiff.

5. A perusal of the order impugned would show that the learned Judge has observed that the promissory note and the documents namely served summons, vakalath, police summons, petition, affidavit and written statement which have been produced by the defendant/respondent herein appears to be contemporaneous and therefore, it can be used for verifying the signature found in the promissory note. The main defence that has been taken in the suit is that the signature in the promissory note is not the signature of the defendant, and that he has not issued any promissory note in favour of the plaintiff and that the defendant has not borrowed any money from the plaintiff. Therefore, the examination of the promissory note by the hand-writing expert would throw light on the veracity of the defence and also aid the Court to come to a conclusion. Therefore, I see no reason to interfere with the order passed by the Additional District Judge, Hosur in



I.A.No.5/2024 in O.S.No.497 of 2022.

WEB COPY

6. Accordingly, the civil revision petition is dismissed. However, the order of this Court does not preclude the revision petitioner/plaintiff herein from filing objections to the report received from the hand-writing expert, after the comparison of the signature made in the contemporaneous documents with the disputed document. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
ds

To:

- 1.The Additional District Judge
Hosur.
- 2.The Section Officer
VR Section, High Court, Madras.



WEB COPY



C.R.P.(PD) No.1296 of 2025

P.T. ASHA, J.

ds

C.R.P.(PD) No.1296 of 2025

28.03.2025