



CRP.No.2416 & 2417 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 19.06.2025

Order pronounced on : 27.06.2025

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

CRP.No.2416 & 2417 of 2024
& C.M.P.Nos.12644 & 12649 of 2024

K.Periyannan

..Petitioner in both CRPs

Vs.

K.Balamurugan

..Respondent in both CRPs

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair order dated 19.09.2023 made in I.A.Nos.2 & 3 of 2021 respectively in O.S.No.1416 of 2016 on the file of the Principal Subordinate Court, Coimbatore.

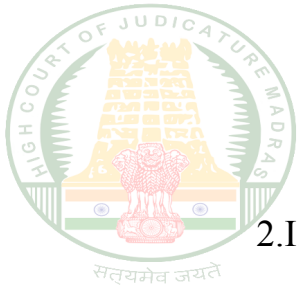
(In both CRPs)

For Petitioner : Mr.K.S.Karthik Raja
for Mr.A.M.Esakkiappan

For Respondent : Mr.K.Myilsamy

COMMON ORDER

These revisions have been preferred by the defendant in O.S.No.1416 of 2016, aggrieved by the orders in I.A.Nos.2 and 3 of 2021 respectively.



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2.I.A.No.2 of 2021 was taken out by the defendant in the suit, for issuing summons to Veppamarathupatti Small Farmers Welfare Society, Vellarivelli Village, Edapadi Taluk, Salem District, to produce the original Sale Deed registered as Doc.No.3627 of 2013 dated 13.07.2013 on the file of the SRO, Eadapadi Taluk, Salem. I.A.No.3 of 2021 was filed seeking appointment of an Advocate Commissioner for the purposes of taking the documents for comparing the disputed signature in the Promissory Note with the signature available in the registered Sale Deed. The said applications were resisted by the plaintiff and the Trial Court dismissed the applications, as against which the present revision petitions have been preferred.

3.I have heard Mr.K.S.Karthik Raja, learned counsel for Mr.A.M.Esakkiappan, learned counsel for the revision petitioner and Mr.K.Myilsamy, learned counsel for the respondent in both revision petitions.

4.The learned counsel for the petitioner would state that the Trial Court has erroneously dismissed the applications holding that the petitions have been filed only to delay the proceedings without considering the fact that there is a requirement to compare the signatures, especially, when the execution of the Promissory Note itself has been denied by the defendant.



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5.The learned counsel for the respondent would state that at the fag end of the Trial, the applications have been taken out only to protract the proceedings and the Trial Court has rightly dismissed the applications and the same do not require interference in the revision petitions.

6.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the order passed by the Trial Court.

7.Admittedly, the specific defense of the revision petitioner in the written statement is that the suit Promissory Note was not executed by the defendant. In order to establish the same, the petitioner has sought to summon the registered Sale Deed from the Society where his signature is available, when he executed the Sale Deed in his official capacity for the signature available in the registered document to be compared with the suit Promissory Note. He would further state that the documents are also contemporaneous in nature.

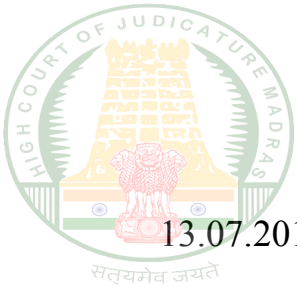
8.The Trial Court has held that the application has been filed towards the conclusion of the trial and the petitioner can file other documents, especially



since he has retired from Tamil Nadu Electricity Board. The Trial Court has clearly erred in giving such findings when the petitioner/defendant chose to compare his signature in a registered Sale Deed with the disputed Promissory Note.

9.It is also seen that the documents are contemporaneous in nature. Therefore, the Trial court ought to have given an opportunity to the petitioner/defendant to establish his defense in the written statement that the suit Promissory Note was not executed by him. The Trial Court therefore fell in error in dismissing the applications. In fact, I adjourned the matter to enable the parties to ascertain whether the Sale Deed which is sought to be produced is still available in the Society. The learned counsel for the petitioner, on instructions, stated that the same is available with the Society and the Society is also functioning.

10.In the light of the above, the Civil Revision Petitions are allowed and the orders in I.A.Nos.2 and 3 of 2021 respectively in O.S.No.1416 of 2016 on the file of the Principal Subordinate Court, Coimbatore, are set aside. The Trial Court shall issue notice to Veppamarathupatti Small Farmers Welfare Society, Vellarivelli Village, Edapadi Taluk, Salem, to produce the Sale Deed dated



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13.07.2013 registered vide Doc.No.3627 of 2013. On receipt of the same, the

Trial Court shall appoint an Advocate Commissioner to take the suit Promissory Note and the Sale Deed produced by the Society and hand over the same to Forensic Department, Chennai, and obtain a report/opinion regarding the genuineness of the signature in Promissory Note dated 23.08.2014. There shall be no order as to costs. Connected Civil Miscellaneous Petitions is closed.

27.06.2025

Speaking/Non-speaking order

Index : Yes/No

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To

1.The Principal Subordinate Court, Coimbatore.



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P.B.BALAJI.J.

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Pre-delivery order made in
CRP.No.2416 & 2417 of 2024
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27.06.2025