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C.R.P (PD) No.1700 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

C.R.P (PD) No.1700 of 2025

and

C.M.P.No. 9803 of 2025

Ponnusamy

... Petitioner

vs.

Periasamy

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order in IA.No.4 of 2024 in OS.No.179 of 2023 dated 06.01.2025 on the file of the I Additional District Court, Namakkal.

For Petitioner : Mr. R.Narayanan

ORDER



C.R.P (PD) No.1700 of 2025

Challenging the order passed by the I Additional District Court,

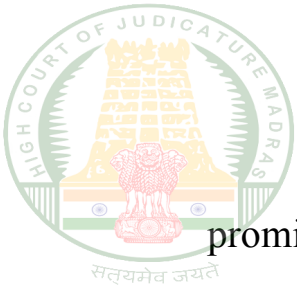
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Namakkal in allowing the application filed by the plaintiff seeking to send the left thumb impression of the defendant for comparison with the left thumb impression of the defendant in the suit promissory note the defendant is before this Court. The short facts are as follows.

2. The plaintiff has filed a suit against the defendant in OS.No.179 of 2023 for recovery of a sum of Rs.10,00,000/- together with interest at Rs.1.50/- per Rs.100/- i.e., 15% p.a., from the date of the borrowal.

3. The defendant had borrowed a sum of Rs.10,00,000/- from the plaintiff on 24.12.2022 and had executed a promissory note promising to repay the said amount on demand. Since there is a default, the plaintiff has come forward with the suit.

4. The defendant had filed a written statement denying the very



C.R.P (PD) No.1700 of 2025

promissory note as also the borrowal.

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5. Therefore, the plaintiff had come forward to file IA.No.4 of 2024 to send the left thumb impression of the defendant taken by the Court for comparison with the left thumb impression in the suit promissory note.

6. The said application has been allowed and challenging the same, the defendant is before this Court.

7. Heard the learned counsel and perused the records.

8. The plaintiff has filed a suit for recovery of money based on the promissory note. The defense to the said suit is that the defendant has not executed such promissory note nor received any amount from the plaintiff. The promissory note contains the left thumb impression. In the light of the defense taken by the defendant, the plaintiff has taken



C.R.P (PD) No.1700 of 2025

out the application. The Court cannot act as an expert even for comparing the signatures. In the instant case what is sought to be send for expert's examination is the left thumb impression of the defendant. The opinion of the expert is only a piece of an evidence. However, this opinion would help in giving clarity for arriving at a decision. When the signatures / LTI is denied, it is for the plaintiff to prove the same by sending the document for expert's opinion. The petitioner has sought to discharge the onus placed on him.

9. Therefore, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

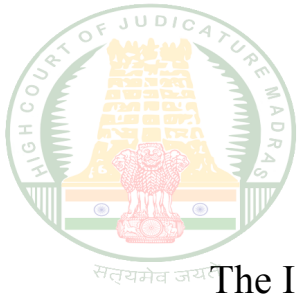
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C.R.P (PD) No.1700 of 2025

The I Additional District Court,
Namakkal.

P.T. ASHA.J



WEB COPY



C.R.P (PD) No.1700 of 2025

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C.R.P (PD) No.1700 of 2025

23.04.2025