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CRP No.3356 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.3356 of 2023
and CMP No.20856 of 2023**

Jegatheeshwari

... Petitioner

Vs.

Ramaraj

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 15.03.2023 made in I.A.No.7 of 2023 in O.S.No.23 of 2018 on the file of Principal District Judge, Perambalur and to allow the civil revision petition.

For Petitioner(s): Mr.C.Prabakaran

For Respondent(s): Mr.M.Krishnamurthy

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner, seeking a direction to the respondent/defendant to produce any registered documents, one year prior to and after the date of suit promissory note for sending the same for comparison with the disputed suit promissory note.



2. The petitioner herein/plaintiff filed a suit for recovery of money against the respondent/defendant based on the promissory note. The respondent filed written statement and resisted the suit by denying his signature found in the suit promissory note. Earlier, the respondent filed an application in I.A.No.2 of 2019 seeking comparison of his signature found in the disputed promissory note along with his signatures found in the admitted documents dated 20.04.2017, 06.04.2018 and Pan Card. The said application was allowed and a report of the expert was also received by the court. Since the report of the expert was not in favour of the petitioner, the present application was filed by him seeking a direction to the respondent to produce any registered documents one year prior to and after the suit promissory note. The Trial Court dismissed the said application on the ground that comparison of the suit promissory note with admitted documents was already done by the expert. Aggrieved by the same, the petitioner has filed the present civil revision petition.

3. The learned counsel for the petitioner would submit that, as the plaintiff, the burden is on him to prove the execution of promissory note and therefore one more opportunity shall be given to the petitioner for comparison of the suit promissory note with admitted registered documents, one year prior to and after the disputed document.



4. The learned counsel for the respondent vehemently opposed the revision petition on the ground that comparison was already done by the expert and hence, the present application is unnecessary.

5. A perusal of the typed set of papers and the other documents filed before this court would indicate that the respondent filed an application seeking comparison of the disputed promissory note with admitted documents. The respondent produced the following three documents for comparison before the Trial court.

i) The Document dated 20.04.2017 relating to the Educational loan of the respondent.

ii) Memorandum of deposit of title deed dated 06.04.2018, registered as document No.790/2018 at Sub Registrar Office, Chetikulam.

iii) Pan Card of the respondent.

6. The said application filed by the respondent was already allowed. The disputed suit promissory note was compared with the admitted documents supplied by the respondent. The Expert's Report also received by the Court. Since the report is not in favour of the petitioner, the present application has been filed seeking direction to the respondent to produce registered document.



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7. As mentioned above, out of three documents, one document was a registered Memorandum of Deposit of Title Deed and the genuineness of the same cannot be doubted. Signature found in the suit promissory note was already compared with the registered document. Therefore, there is no necessity to direct the respondent to produce some more registered documents for comparison.

8. If the petitioner is aggrieved by the order of the Trial Court in I.A.No.2 of 2019, he should have filed revision petition, challenging the same. However, the petitioner has not challenged the said order and invited a report from the Expert. Now, it is not open to the petitioner to seek a direction to the respondent to file some more registered documents. I do not find any material irregularity in the order passed by the Trial Court.

9. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

08.12.2025

MST

To

The Principal District Judge, Perambalur.



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S.SOUNTHAR, J.

MST

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