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CMP.No.20850 of 2023

in

A.S.No.227 of 2023 & CMP.No.9483 of 2023

N.SATHISH KUMAR, J.

This petition has been filed for sending the sale agreement dated 05.07.2019 to compare the signature of the plaintiff found in the agreement as well as in the endorsement in the back side of the agreement.

2. The main contention of the learned counsel for the petitioner is that a sum of Rs.6,50,000/- has been received by the defendant on 19.07.2019. Whereas, the signature and the endorsement on that particular date is totally denied by the defendant. It is his contention that signature of the defendant is a forged one.

3. Once, the plea of forgery is taken, normally the burden lies on the person who takes such a plea, to prove the same. Though the defendant has not taken steps to send the document for forensic lab, this Court is of the view that in order to enable this Court to advance substantial justice, opinion of the expert, in this regard, is required.

4. Accordingly, this petition is Ordered. The registry is directed to call for the original sale agreement dated 05.07.2019 from the trial Court and



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forward the same to the handwriting expert. For that purpose, for handing over the document to the Forensic Department, Mr.Meiyappan Mohan, Advocate, Enrol.No.3800 of 2019, Mob : 9994504095, having office at No.103/50, 2nd Floor, I-I, Nishar Law Chambers, Armenian Street, Parrys, Chennai – 1, E-mail : meiyappanmohan.legal@gmail.com is appointed as the Advocate Commissioner. After receiving the document from the trial Court, the registry shall hand over the original sale agreement to the Advocate Commissioner and the Advocate Commissioner shall inturn hand over the document to the handwriting expert and get the opinion and file the report before this Court.

5. The fee of the Advocate Commissioner is fixed at Rs.25,000/- [Rupees twenty five thousand only] and the same shall be paid by the petitioner directly to the Advocate Commissioner.

6. Post on 30.06.2025 for filing report.

29.04.2025

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