



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.02.2025

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**C.R.P.(MD)No.297 of 2025**

**and**

**C.M.P(MD)No.1716 of 2025**

Arukkani (Died)

... Defendant No.1

1.A.Thirumoorthy @ Duraisamy

2.A.Shanmugam

3.A.Samikannu

4.A.Chandiran

5.A.Lingammal

...Petitioners No.1 to 5/Petitioners No.2 to 6/  
Defendants No.2 to 6

Vs.

P.Malleeswaran

... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decretal order passed in I.A.No.711 of 2022 in O.S.No.984 of 2022, passed on 27.09.2022, on the file of the Subordinate Court, Ottanchathiram, and sought to set aside the same.

For Petitioners : Mr.T.Thirumurugan

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## **ORDER**

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The present revision petition has been filed by the first defendant in O.S.No.984 of 2022 on the file of the Sub Court, Ottanchathiram, challenging the dismissal of her application filed under Section 151 of Civil Procedure Code to send for “C” Register on the file of the Kallimandiyam Sub Registrar Office for comparing the signature of the deceased Chinna Ponnar @ Arumugam, with that of his signature in the suit pro-note.

2.A perusal of the plaint reveals that the suit has been filed for recovery of a sum of Rs.1,48,960/- based upon a pro-note, dated 25.06.2009 said to have been executed by the Late Chinna Ponnar @ Arumugam. In the written statement, the legal heirs of the said Chinna Ponnar @ Arumugam have taken a specific stand that the signature of Chinna Ponnar @ Arumugam has been forged in the pro-note.

3.The defendants had filed I.A.No.17 of 2020, seeking to send for “C” Register in Kallimandiyam Sub Registrar Office to compare the signature of the deceased Chinna Ponnar @ Arumugam with that of the suit pro-note. The said application was allowed on 22.08.2023. However, no further steps were initiated by the defendants to call for the said documents.



4.The plaintiff side evidence was closed on 18.04.2022 and the first defendant has also completed his deposition. When the matter is posted for the evidence of D.W.2, the present application has been filed. The trial Court has dismissed the application on the ground that the second attempt has been made to call for the said documents especially at the fag end of the trial.

5.This Court is of the considered opinion that in a suit for recovery of money based upon the pro-note, when the defendant has taken a specific defence that the suit pro-note has been forged, the entire burden is upon the plaintiff to establish the genuineness of the pro-note. In the said circumstances, the application filed by the first defendant is only to drag on the proceedings and there are no merits in the revision petition.

6.Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

**05.02.2025**

Internet:Yes/No  
Index:Yes/No  
RJR

To  
The Subordinate Court, Ottanchathiram.



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R.VIJAYAKUMAR, J.

RJR

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