



C.R.P(MD)No.491 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.491 of 2025

and

CMP(MD)No.2712 of 2025

A.Ganesan

... Petitioner/Petitioner/
Defendant

Vs.

M.Ganesan

... Respondent/ Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 30.09.2024 passed by the Subordinate Court, Oddanchathiram in I.A.No. 178 of 2024 in O.S.No.69 of 2023 with cost.

For Petitioner : Mr.R.Ramasamy

ORDER

The defendant in O.S.No.69 of 2023 on the file of Sub Court, Oddanchathiram is the revision petitioner herein.



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2. The respondent in the revision petition as plaintiff has filed the above said suit for recovery of money based upon a pro-note. Before filing written statement, the defendant had filed I.A.No.178 of 2024 to send the signature found in the suit pro-note to compare it with the signature of the defendant in the pension form and the Vakalat. The trial Court has proceeded to dismiss the application on the ground that after having submitted the pension form, it is not known how the defendant got custody of the pension form and produced it before the Court. Challenging the same, the present revision petition has been filed.

3. According to the learned counsel appearing for the revision petitioner, it is the specific case of the defendant that his signature in the suit pro-note has been forged and therefore, he is duty bound to prove the same. Hence, the said application ought to have been allowed by the trial Court.

4. This Court is of the considered opinion that in all cases where the defendant disputes his signature in a pronote and contends that it is a forged document, the entire burden will be upon the plaintiff to prove the



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genuineness and validity of the suit pro-note. In such circumstances, this

Court does not find any error in the order of the trial Court. There are no merits in the revision petition.

5. Hence, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

24.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.The Subordinate Court,
Oddanchathiram.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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Order made in
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