



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.334 of 2021

and

C.M.P.(MD).No.1885 of 2021

M.Gunaseelan

...Petitioner

Vs.

R.Vijayalakshmi

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 02.09.2020 made in I.A.No. 697 of 2019 in O.S.No.35 of 2015 on the file of the learned Principal District Judge, Karur, by allowing this Civil Revision Petition.

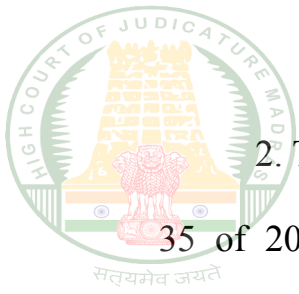
For Petitioner : Mr.P.Samuel Gunasingh

For Respondent : Mr.K.Prabhakar

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ORDER

This petition has been filed seeking orders to set aside the fair and decreetal order dated 02.09.2020 made in I.A.No.697 of 2019 in O.S.No.35 of 2015 on the file of the learned Principal District Judge, Karur.



2. The respondent / plaintiff filed a suit for recovery of money in O.S. No. 35 of 2015 for a sum of Rs.25,00,000/- against the petitioner / defendant.

During the pendency of the said suit, the respondent / plaintiff filed an interlocutory application in I.A. No.697 of 2019, seeking to send the pronote, which is the subject matter of the suit, for expert opinion, along with an admitted document, viz., original general power deed executed by the petitioner in favour of third parties dated 30.10.2008 for comparison. The said application was allowed by the trial Court by an order dated 02.09.2020. Aggrieved by the said order, the present civil revision petition has been filed.

3. The learned counsel appearing for the petitioner would submit that, before the trial Court, the petitioner had disputed the so-called admitted document, contending that it might have been executed with the intention to cheat the petitioner. However, without prejudice to his rights, the petitioner seeks liberty from this Court to raise objections, in accordance with law, in the event the expert opinion is rendered against him.

4. The learned counsel appearing for the respondent has no serious objections.

5. Considering the nature of the allegations and the fact that the signature found in the suit promissory note is specifically and strongly disputed by the



respondent herein, this Court is of the view that the genuineness of the signature in the disputed promissory note shall be determined only based on the expert opinion.

6. In the result, this Civil Revision Petition stands dismissed. However, liberty is granted to the petitioner to raise appropriate objections, in accordance with law, if the expert opinion on the disputed document is found to be adverse to his interest. No costs. Consequently, the connected miscellaneous petition is closed.

16.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Principal District Judge, Karur.

2. The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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