



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1711 of 2025

and

C.M.P.(MD)No.9249 of 2025

Susila (died)

Shenbagam

..Petitioners

Vs.

1.The South Indian Bank Limited,
Represented by through his Power Agent,
Mr.S.Balaji,
Branch Manager,
Rajapalayam Branch,
Virudhunagar District.

2,Srivasamoorthy

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order of the Sub Court, Rajapalayam dated 06.11.2024 in I.A.No.531 of 2016 in O.S.No.342 of 2024 in accordance with law.

For Petitioner

: Mr.Dr.Alagumani



ORDER

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This petition has been filed seeking orders to set aside the fair and decreetal order of the Sub Court, Rajapalayam, dated 06.11.2024 in I.A.No.531 of 2016 in O.S.No.342 of 2024 in accordance with law.

2. The learned counsel appearing for the petitioner would submit that the petitioner's father, one Kasirajan, had allegedly borrowed a loan from the first respondent Bank. In that transaction, the petitioner's daughter, Shenbagam, is said to have stood as a guarantor. A suit was filed by the first respondent Bank against the petitioner's mother for recovery of the said loan amount. During the pendency of the suit, the petitioner's mother passed away, and thereafter, the petitioner and his brother (second respondent herein) were impleaded as parties in the suit.

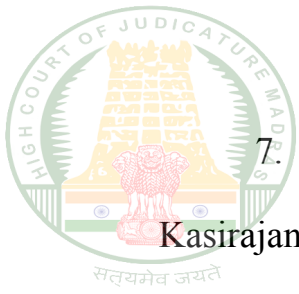
3. The petitioner's mother, the petitioner and the second respondent, disputing the alleged signature on the guarantee form, filed an interlocutory application in I.A. No.531 of 2016 before the trial Court seeking a direction to send the disputed signature for expert opinion. However, the said application was dismissed on 06.11.2024. Aggrieved by the same, the present petition has been filed.



4. The learned counsel for the petitioner would further submit that the petitioner's father had, in fact, never borrowed any loan from the first respondent Bank. Despite this, the Bank vexatiously filed the suit for recovery of money against the petitioner's mother. By the time the suit was instituted, the petitioner's father had already passed away, and thereafter, the petitioner's mother also died. The petitioner and her brother were impleaded as legal heirs. Subsequently, the petitioner filed an interlocutory application disputing the signature on the loan application and sought expert opinion, which, if allowed, would not cause any prejudice to the respondent Bank. On the contrary, the dismissal of the application by the trial Court would cause serious prejudice to the petitioner. Hence, he prays for appropriate orders.

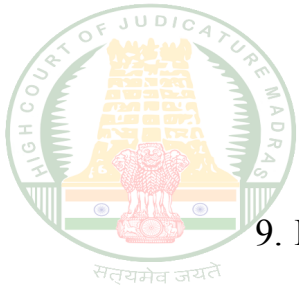
5. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

6. The facts in the present case are not in dispute. On perusal of the records, it is seen that the first respondent Bank had filed a suit in O.S. No.90 of 2016 before the learned Sub Judge, Srivilliputhur, seeking recovery of a sum of Rs.6,53,617/- with compound interest at the rate of 14.20% per annum from 30.03.2016 .



7. According to the averments in the plaint, the petitioner's father, Kasirajan, applied for a loan of Rs.5,00,000/- under the Kisan Credit Card Scheme for agricultural development, including deepening of the agricultural well and other irrigation activities. It is alleged that the petitioner's daughter offered to stand as guarantor for the said loan. On 30.09.2013, the Bank disbursed the loan, and on the same day, the borrower executed a promissory note and a hypothecation agreement. It is further claimed that the petitioner executed an agreement of guarantee in favour of the first respondent Bank for the due repayment of the loan. Thereafter, due to non-payment, the Bank filed the present suit for recovery. The suit filed in 2016 was subsequently transferred and renumbered as O.S. No.342 of 2024. Pending suit, the petitioner's mother, the petitioner and the second respondent filed two applications in I.A. Nos.530 and 531 of 2016, seeking to summon the relevant documents from the Bank and to subject the disputed signature to expert examination. However, both applications were dismissed without even being numbered.

8. Admittedly, the suit is still pending and trial has not yet commenced. It is for the Bank to produce all the original documents in support of its claim and prior to that, the petitioner, the petitioner's mother and the second respondent herein filed interlocutory applications before the trial Court. Accordingly, the order passed by the trial Court dated 06.11.2024 in I.A.No.531 of 2016 in O.S.No.342 of 2024 need not to be interfered with.



9. In view of the above, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

23.06.2025

Internet: Yes/No

Index: Yes/No

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To

1. The Sub Court, Rajapalayam.

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



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M.DHANDAPANI, J.

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