



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.849 of 2025

and

C.M.P(MD)No.4510 of 2025

Ramar

...Petitioner/Petitioner/Defendant

Vs.

Manickavel

...Respondent/Respondent/Plaintiff

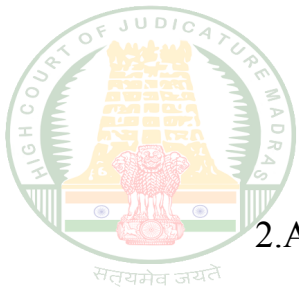
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order in I.A.No.5 of 2024 dated 22.01.2025 in O.S.No.18 of 2015 passed by the Learned Additional District and Sessions Court, Virudhunagar at Srivilliputtur, and to allow the same.

For Petitioner : Mr.J.Jeyakumaran

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ORDER

The defendant in O.S.No.18 of 2015, on the file of the Additional District and Sessions Court, Virudhunagar, has filed the present revision petition, challenging the dismissal of his application to compare the signature in the suit pro-note with that of the vakalat and the written statement.

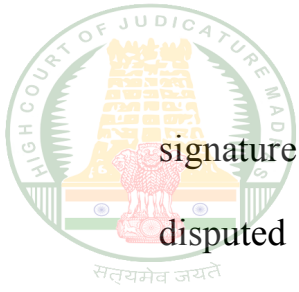


2.A perusal of the records reveal that the suit had been filed for the relief of recovery of money based upon a pro-note, dated 11.06.2014. The defendant has filed the written statement disputing the signature in the suit pro-note. The defendant has filed I.A.No.5 of 2024, to compare his signature in the suit pro-note with that of his Vakalat and the written statement in the present suit. This application has been dismissed. Challenging the same, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioner, when the signature has been disputed by the defendant, the defendant has filed the present application to compare his signature in the suit pro-note with that of the vakalat and in the written statement.

4.I have considered the submissions made on either side and perused the materials available on record.

5.The suit is for recovery of money based upon a pro-note. The defendant in his written statement has specifically disputed his signature in the suit pro-note. Therefore, the entire burden is upon the plaintiff to prove that the signature found in the suit pro-note is that of the defendant. In such circumstances, the defendant need not file such an application to compare his



signature in the suit pro-note. That apart, it is settled position of law that the disputed signature in the suit pro-note cannot be compared with that of the vakalat and the written statement which have arisen after the filing of the suit.

That apart, the suit is of the year 2015, and the present petition has been filed by the defendant in the year 2024. Therefore, the trial Court has rightly rejected the said application.

6. With the above said observations, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

20.03.2025

Internet: Yes/No
Index: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

The learned Additional District and Sessions Judge,
Virudhunagar at Srivilliputtur.

Copy to:-

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

C.R.P.(PD)(MD)No.849 of 2025

20.03.2025