



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.881 of 2025

and

C.M.P(MD)No.4723 of 2025

Krishnakumar

...Petitioner/Petitioner/Defendant

Vs.

Selvaraj

...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 19.08.2024 made in I.A.No. 2 of 2023 in O.S.No.602 of 2022 on the file of the Principal Sub Court, Tenkasi, and allow this Civil Revision Petition.

For Petitioners : Mr.G.Sridharan

* * * * *

ORDER

The defendant in O.S.No.602 of 2022, on the file of the Principal Sub Court, Tenkasi, has filed the present revision petition, challenging the dismissal of his application to refer the suit pro-note for expert opinion to be compared with two documents that were annexed to the said interim application.

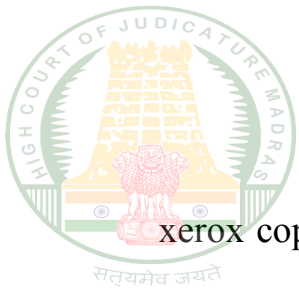


WEB COPY

2.A perusal of the records reveal that the suit had been filed for the relief of recovery of money based upon pro-note, dated 10.04.2022. The defendant has disputed his signature in the pro-note in his written statement. The defendant has filed the present application in I.A.No.2 of 2023, to send the pro-note for comparison of the signature of the defendant with two documents, namely, the documents dated 25.04.2022 and 31.10.2022. This application has been dismissed by the trial Court on the sole ground that these two documents are after the suit pro-note. Challenging the same, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioner, they are now producing the sale deed executed by the defendant in favour of a third party, dated 07.01.2021, which is prior to the suit pro-note. Hence, he seeks to set aside the present order.

4.Considering the above said facts, the order of the trial Court in dismissing the application for not producing the documents which are prior to the suit pro-note is hereby confirmed. However, liberty is granted to the revision petitioner/defendant to file a fresh application enclosing the certified



WEB COPY

xerox copy of the sale deed, dated 07.01.2021. In case, any such application is filed, the same shall be decided on merits after giving due opportunity to the plaintiff.

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

6. The Registry is directed to return the certified copy of the sale deed, dated 07.01.2021, after replacing it with the xerox copy, to the learned Counsel appearing for the revision petitioner after getting due acknowledgment from him.

19.03.2025

Internet: Yes/No

Index: Yes/No

RJR

To

The learned Principal Sub Judge, Tenkasi.

Copy to:-

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



WEB COPY



R.VIJAYAKUMAR, J.

RJR

C.R.P.(PD)(MD)No.881 of 2025

19.03.2025