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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1153 of 2025

and

C.M.P(MD)No.6219 of 2025

1.Vasanth
2.Manogaran
3.Kamal
4.Sathya

...Petitioners/Petitioners/Defendants

Vs

Neelamegam

...Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the order dated 19.03.2025 passed in I.A.No.4 of 2025 in O.S.No.53 of 2017 on the file of the Sub Judge, Kulithalai, and set aside the same.

For Petitioners : Mr.M.Arjun Varman

* * * * *

ORDER

The defendants in O.S.No.53 of 2017, on the file of the Sub Court, Kulithalali, have filed the present revision petition challenging the dismissal of their application to compare the signature found in the suit pro-note with that of their signature found in two other documents.

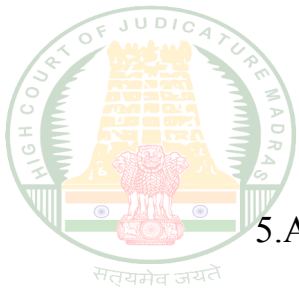


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2.The respondent herein as plaintiff has filed the above said suit for the relief of recovery of sum of Rs.6,02,500/- based upon a pro-note, dated 26.07.2015. In the written statement, the defendants have specifically contended that a suit pro-note is a forged document. The evidence of P.W.2 was closed and it was posted for further evidence on the side of the defendants. During such period, the defendants have filed I.A.No.4 of 2025, to send the suit pro-note for expert opinion to be compared with the Settlement Deed of the year 2018 and Marriage Register of the year 2015. This application has been dismissed by the trial Court. Challenging the same, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioners, the suit pro-note is a forged document and there are several discrepancies in the cross examination of P.W.1 and P.W.2. In such circumstances, the defendants have taken efforts to compare their signature found in the suit pro-note.

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



5.A perusal of the written statement filed by the defendants would clearly indicate that the defendants have taken a specific stand that the suit pro-note is a forged document. Therefore, the entire burden would be upon the plaintiff to establish the genuineness and validity of the said pro-note. Therefore, the present application filed by the defendants is unnecessary. The Trial Court has rightly rejected the said application.

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

09.04.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Sub Judge,
Kulithalai.

Copy to:-

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



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R.VIJAYAKUMAR, J.

RJR

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