



CRP(MD). No.1914 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1914 of 2025
and CMP(MD) No.10809 of 2025**

1. R.Sivaraman
2. Rajeswary
3. Suhapriya

... Petitioners

v.

Mohamed Hussain

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order dated 18.03.2025 made in I.A.No.4/2025 in O.S.No.97/2019 on the file of the Additional District and Session Judge, Periyakulam.

For Petitioner : Mr.M.Senthilkumar

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 18.03.2025 made in I.A.No.4/2025 in O.S.No.97/2019 on the file of the Additional District and Session Judge, Periyakulam.



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2. The petitioners are the borrowers and the defendant filed the suit in OS No.97/2019 for recovery of money on the basis of the promissory note executed by the petitioners. During the pendency of the suit, the respondent/plaintiff filed an application in IA No.4/2025 for appointment of Advocate Commissioner for comparing the signature found in the written statement including the vakalat and the promissory note under Order XXVI Rule 10A of the Code of Civil Procedure read with 39(1) of Bharatiya Sakshya Adhiniyam and the trial Court allowed the said application and requested the Advocate Commissioner to take EX.A1 suit promissory note, vakalat and written statement of the petitioners 1 and 2/first and second defendants and deposition of the first defendant as D.W.1 and also Advocate Commissioner is directed to obtain 20 specimen signatures of the petitioners 1 and 2 in A4 sheet in open Court and collect the same in a sealed cover and submit the same to the handwriting expert at the Regional Forensic Laboratory for comparison. Aggrieved by the said order, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that admittedly for comparison of the signatures, the document anti-dated to

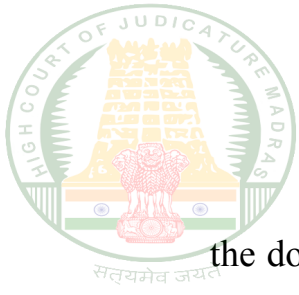


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the promissory note should be sent and compared. However, the trial Court ordered for comparison of the subsequent signatures including the specimen signatures to be obtained in open Court, vakalat and written statement and hence, prays for interference.

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

5. The petitioners are the defendants and they are disputing the signatures found in the promissory note and the respondent/plaintiff, in order to compare their signatures, filed an application for appointment of Advocate Commissioner to send the documents for comparison of the handwriting expert opinion. The petitioners' contention is that the document to be compared is anti-dated to the promissory note. It is to be borne in mind that the said anti-dated documents may not be available with the plaintiff and in order to compare the signatures only, he filed an application and the same was allowed, which, in the considered opinion of this Court, does not require any interference. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to produce



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the documents containing their signatures prior to the promissory note to the Advocate Commissioner to enable him to send those documents also for comparison/expert opinion with other documents. No costs. Consequently connected Miscellaneous Petition is closed.

18.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Additional District and Session Judge, Periyakulam.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1914 of 2025**

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