



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2379 of 2025
and
C.M.P.(MD).No.14272 of 2025

J.Jesisantharani

...Petitioner

Vs.

Pandiyarajan

...Respondent

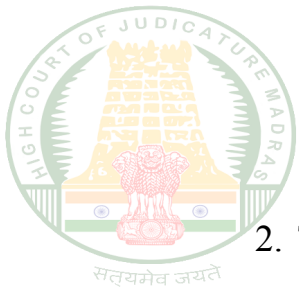
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed by the Court of the Principal Sub Judge, Srivilliputtur, Virudhunagar District in I.A.No.3 of 2025 in O.S.No.551 of 2023 on 19.07.2025 and allow this Civil Revision Petition.

For Petitioner : Mr.M.Jothi Basu

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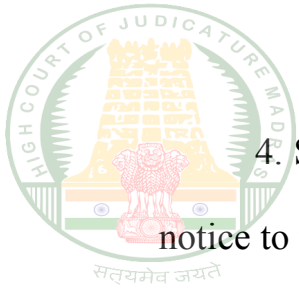
ORDER

This petition has been filed seeking to set aside the fair and decreetal order passed by the Court of the Principal Sub Judge, Srivilliputtur, Virudhunagar District in I.A.No.3 of 2025 in O.S.No.551 of 2023 on 19.07.2025.



2. The respondent herein filed a suit in O.S.No.551 of 2023 before the learned Principal Sub Judge, Srivilliputtur, Virudhunagar District, seeking recovery of money against the petitioner. Pending the said suit, the petitioner filed I.A.No.3 of 2025 under Order XXVI Rules 9 and 10(A) CPC, seeking appointment of an Advocate Commissioner to receive certain documents and forward the same to the Forensic Science Laboratory for obtaining expert opinion. The trial Court, by order dated 19.07.2025, dismissed the said application on the ground that the documents sought to be produced for comparison with Ex.A2 promissory note were not qualified documents, since the admitted documents pertain to a period subsequent to the date of Ex.A2 cheque. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not borrowed any amount from the respondent and that the signature found in the cheque is a forged one. He further submitted that liberty may be granted to the petitioner to file a fresh application, if any contemporary document prior to the cheque date is available, namely, a registered document containing more than five admitted signatures of the petitioner.



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

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5. Accordingly, this Civil Revision Petition is dismissed. However, liberty is granted to the petitioner to file a fresh application before the trial Court, if he is in possession of any contemporary document prior to the date of the cheque, containing more than five admitted signatures in a registered document. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Principal Sub Judge, Srivilliputtur, Virudhunagar District.

2. The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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C.R.P.(MD)No.2379 of 2



M.DHANDAPANI, J.

TSG

C.R.P.(MD)No.2379 of 2025

29.08.2025