



CRP(MD). No.2958 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 17.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.2958 of 2024

and

CMP(MD)No.16828 of 2024

Ponmani

... Petitioner

Vs.

Niraimathi

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India, against the order dated 18.08.2025 passed in I.A.No.1 of 2025 in O.S.No.20 of 2021 on the file of the learned Additional District and Sessions Court, Periyakulam, Theni District.

For Petitioner : Mr.V.Muthumani

For Respondent : Ms.C.Ambika for
Ms.C.Karthiga

ORDER

This Civil Revision Petition had been filed against the order dated 18.08.2025 passed in I.A.No.1 of 2025 in O.S.No.20 of 2021 on the file



CRP(MD), No.2958 of 2025

of the learned Additional District and Sessions Court, Periyakulam,
Theni District.

2. Mr.V.Muthumani, learned counsel for the petitioner would submit that he had filed a suit seeking for recovery of a sum of Rs.13,36,000/- with interest based upon the suit promissory note executed by the defendant. In the said suit, the respondent had denied the execution of the promissory note. Hence, he had taken out an application to compare the disputed signature with the promissory note and that the said petition was allowed and sent to Forensic Department, Madurai and an Expert Report was also submitted before this Court on 27.12.2024. He would submit that the Report of the expert had been made by comparing the handwriting characters only and the signatures has not been verified. Hence, he had filed an application to scrap the Report submitted by the Expert and to again get the same to a Forensic Department at Bangalore to get a fresh Report. He would submit that that the Court below failing to consider the Report submitted by the Forensic expert, Madurai as being not in consonance with the established principle, had rejected the claim made by the petitioner. Therefore, he



CRP(MD), No.2958 of 2025

would submit that the impugned order is liable to be set aside and thereafter, the disputed document to be referred to a Forensic Department at Bangalore for further opinion.

3. I have considered the submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.

4. The Court below had given its conclusion that only after the Expert has been examined the veracity of the Report could be ascertained by the Court and only thereafter, if it is found that the expert had failed to give an opinion as per the procedure, the issue of scrapping the expert opinion's Report would arise and only thereafter, the documents could be again sent to a different expert.

5. In coming to the said conclusion, the Court below has also relied upon a judgment of this Court in CRP (PD) (MD).No.309 of 2013 dated 10.06.2015 and a perusal of the said judgment would show that it was a case, where the Trial Court had allowed an application for scrapping the



CRP(MD), No.2958 of 2025

Report and appointed a new expert. This Court had opined that such a procedure could not have been followed without examining the expert and substantiating that the document was not examined in the scientific manner which would give rise to a second opinion, if necessary.

6. This Court do not find any infirmity in the order impugned in this Revision. Accordingly, the Civil Revision Petition is dismissed, however, the petitioner is at liberty to take out necessary steps to examine the expert who had given the opinion and if he substantiates that the expert had not given his opinion as per the procedure, then he is at liberty to take out further steps in that regard. However, there shall no order as to costs. Consequently, connected Miscellaneous Petition is closed.

17.10.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/ No
GBA



CRP(MD), No.2958 of 2025

WEB COPY

1. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
2. The Additional District and Sessions Court, Periyakulam,
Theni District.



WEB COPY



CRP(MD), No.2958 of 2025

K.KUMARESH BABU,J.

Gba

**CRP(MD). No.2958 of 2024
and
CMP(MD)No.16828 of 2024**

17.10.2025