



WEB COPY

CRP No. 577 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

C.R.P No.577 of 2026
C.M.P.No.3180 of 2026

A.Murugesan

..Petitioner(s)

Vs

B.Saravankumar

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the fair and decreetal order passed in I.A.No.3 of 2025 in O.S.No.43 of 2020 dated 19.11.2025 on the file of the Sub Judge, Udhagamanadalam, by allowing this Civil Revision Petition.

For Petitioner(s): Mr.B.Azhagesh

ORDER

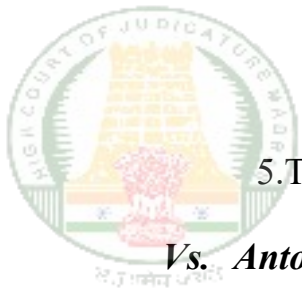
The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking comparison of the disputed suit promissory note dated 23.07.2017 with signature found in admitted document dated 25.08.2008.



2.The respondent herein filed a suit for recovery of money based on suit promissory note dated 23.07.2017. The suit was resisted by the petitioner by denying the execution. The petitioner filed I.A.No.3 of 2025 seeking appointment of Advocate Commissioner to take disputed promissory note dated 23.07.2017 and admitted sale deed dated 25.08.2008 for comparison by expert. The said application was dismissed by the trial Court on the ground that time gap between the disputed document and the sample document is more than 9 years. Aggrieved by the said order, the petitioner has come before this Court.

3.The learned counsel for the petitioner would submit that even if the time gap between the sample document and the disputed document is long, expert may be permitted to compare the document and give his opinion. In support of his contention, the learned counsel relied on judgment of this Court in *H.Sumathi Vs. Nallammal Arul (died) and 9 others* reported in **2025 (1) CTC 561**.

4.A perusal of the above said judgment would indicate this Court relied on the Full Bench judgment of the Hydrebad High Court in *Bande Siva Shankara Srinivasa Prasad Vs. Ravi Surya Prakash Babu and others* reported in **2016 (2) CTC 481**.



5. The Division Bench of this Court in ***Central Bank of India and others Vs. Antony Hardware Mart and others*** reported in **2006 (3) CCC 285**

categorically held disputed document can be compared only with contemporaneous document as signature of a person tends to change with time.

6. In the judgment cited by the learned counsel for the petitioner in H. Sumathi case, the Division Bench's decision of this Court has not been referred to. However, the Full Bench judgment of the Hyderabad High Court had been followed. When there is a Division Bench judgment of this Court, the same is binding on me and this Court cannot overlook the Division Bench judgment of this Court by relying on the Full Bench judgment of the other High Court. In the Division Bench judgment of this Court ***Central Bank of India and others Vs. Antony Hardware Mart and others*** reported in **2006 (3) CCC 285**, the Division Bench observed as follows:-

“It is settled law that the disputed signature can be compared with admitted signature, which were contemporaneous and not with the admitted signatures obtained subsequent to the date of the disputed signature. By lapse of time, there may be some difference in the signature of a person.”

**S.SOUNTHAR, J.**

7. In view of the above, I am unable to agree with the view expressed in H.Sumathi case cited supra. In the case on hand, the suit promissory note was dated 23.07.2017. The petitioner produced sample document dated 25.08.2008. The time gap between these two documents is more than nine years. In view of the same, the trial Court rightly by pointing out the absence of contemporaneous document, dismissed the application. I do not find any error in the impugned order. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

09-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To
The Sub Judge, Udhagamanadalam,

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