



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 12-03-2026**

**CORAM**

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**C.R.P.(PD) No.1142 of 2026  
and C.M.P.No.5931 of 2026**

Jothi,  
W/o. Murugan,  
Kilsirupakkam Village & Post,  
Thandarampattu Taluk,  
Tiruvannamalai District.

..Petitioner

Vs.

Krishnan,  
S/o. Renu,  
Kilsirupakkam Village and Post,  
Thandarampattu Taluk,  
Tiruvannamalai District.

..Respondent

This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to allow the above Civil Revision Petition by setting aside the Order dated 06.11.2025 passed in I.A.No.1 of 2025 in O.S.No.228 of 2020 on the file of the Additional Sub Court, Tiruvannamalai.

For Petitioner : Mr.K.Govi Ganesan

**ORDER**

The present Civil Revision Petition has been filed by the Petitioner praying to set aside the Order dated 06.11.2025 in I.A.No.1 of 2025 in O.S.No.228 of 2020 passed by the learned Additional Subordinate Judge, Tiruvannamalai.



2. The brief facts of the case are as follows:

The Respondent had filed an original suit in O.S.No.228 of 2020 before the Principal Subordinate Court, Tiruvannamalai, wherein, Petitioner is the Defendant. The reliefs sought in the said suit are as follows:

- (i) To direct the Defendant to pay the Plaintiff a sum of Rs.3,80,850/- with subsequent interest till date of realization; and
- (ii) To direct the Defendant to pay the Plaintiff the cost of the suit.

During the pendency of the said suit, Petitioner/Defendant had filed an Interlocutory Application in I.A.No.1 of 2025 in O.S.No.228 of 2020 before the Additional Subordinate Court, Tiruvannamalai praying to call for the documents related to Loan No.4723 standing in the name of Petitioner/Defendant (Mrs.Jothi W/o. Murugan) sanctioned on 15.02.2016 from Primary Agricultural Co-operative Credit Society, Radhapuram Village. However, the said Interlocutory Application came to be dismissed on 06.11.2025. Aggrieved by the same, Petitioner/Defendant has filed the present Civil Revision Petition before this Court.

3. The learned counsel for Petitioner submitted that Respondent/Plaintiff had filed the suit in O.S.No.228 of 2020 for the relief of recovery of money alleging that Petitioner/Defendant had borrowed a sum of Rs.3,00,000/- from the Respondent/Plaintiff and she had executed a Promissory Note dated



05.06.2017 in favour of Respondent/Plaintiff. But actually, the Petitioner/Defendant neither borrowed any amount from Respondent/Plaintiff nor executed any Promissory Note as stated in the Plaint in O.S.No.228 of 2020.

3.1. It is further submitted by the learned counsel for Petitioner that Petitioner/Defendant had applied for a loan from Radhapuram Primary Agricultural Co-operative Credit Society, Radhapuram Village under Loan No.4723. Therefore, it is very much essential to call for the said Loan Application as well as the documents pertaining to Loan No.4723 standing in the name of Petitioner/Defendant sanctioned on 15.02.2016 from Primary Agricultural Co-operative Credit Society, Radhapuram Village, Thandarambattu Taluk, Tiruvannamalai District.

3.2. The learned counsel for Petitioner also submitted that the aforesaid Loan Application belongs to contemporaneous period. If the said Loan Application and documents pertaining to Loan No.4723 standing in the name of Petitioner/Defendant are received, Petitioner/Defendant would prove that the Promissory Note dated 05.06.2017 is a rank forgery and the signature in the said Promissory Note does not belong to her. Therefore, the learned counsel prayed that the impugned order may be set aside and this Civil Revision Petition may be allowed.



4. Heard the learned counsel for Petitioner and perused the materials available on record.

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5. In the present case, Respondent/Plaintiff had filed an original suit in O.S.No.228 of 2020 before the Principal Subordinate Court, Tiruvannamalai for recovery of money from the Petitioner/Defendant based on the Promissory Note dated 05.06.2017 which is stated to be executed by the Petitioner/Defendant in favour of Respondent/Plaintiff.

6. The contention of Petitioner/Defendant is that she did not execute any such Promissory Note as stated by the Respondent/Plaintiff. The Petitioner/Defendant had filed an Interlocutory Application in I.A.No.1 of 2025 in O.S.No.228 of 2020 before the Court below praying to call for the documents pertaining to Loan No.4723 standing in the name of Petitioner/Defendant sanctioned on 15.02.2016 from Primary Agricultural Co-operative Credit Society, Radhapuram Village, Thandarambattu Taluk, Tiruvannamalai District. She had filed I.A.No.1 of 2025 only to prove that the said Promissory Note is a rank forgery and the signature in the Promissory Note dated 05.06.2017 does not belong to her. However, the Court below has dismissed I.A.No.1 of 2025 by observing as follows:

*“6. In the present application, it is the contention of the petitioner that, if the document is summoned and produced before*



*this Court, it would disclose that the signature appearing in the suit promissory note does not belongs to the defendant and further, no proof has been filed by the petitioner to show that he has availed such kind of loan and still such document is exist in the said office and further, no application has been filed for comparison of signature. Considering the above facts and circumstances, there is no necessity arise for order for production of such document. The claims of the petitioner to prove the signature on the promissory note can be proved with some other documents. Hence, in view of the above discussion, the Court is of the view that no merits in this application and deserves dismissal.*

*Accordingly, in the result, the petition stands dismissed.  
However, no costs."*

7. The Court below has failed to note that the burden is on the Petitioner/Defendant to disprove the contentions of Respondent/Plaintiff and to establish that the Promissory Note dated 05.06.2017 is a forged document created by the Respondent/Plaintiff.

8. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for Petitioner, I am of the opinion that the impugned order is perverse and Petitioner/Defendant can be afforded with an opportunity to put forth her case before the Court below. Therefore, this Court is inclined to set aside the impugned order and allow this Civil Revision Petition.



9. Accordingly, Order dated 06.11.2025 in I.A.No.1 of 2025 in O.S.No.228 of 2020 passed by the learned Additional Subordinate Judge, Tiruvannamalai is set aside and this Civil Revision Petition is allowed. The learned Additional Subordinate Judge, Tiruvannamalai is directed to consider the Interlocutory Application in I.A.No.1 of 2025 in O.S.No.228 of 2020 afresh and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

**12-03-2026**

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

mrr

To

Additional Sub Court,  
Tiruvannamalai.



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C.R.P.(PD) No.1142 of 2



**T.V.THAMILSELVI, J.**

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C.R.P.(PD) No.1142 of 2026

12-03-2026