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C.R.P.No.1599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2026

CORAM

THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Civil Revision Petition No.1599 of 2023
and
Civil Miscellaneous Petition No.10463 of 2023

K.Venkatesan (Died)
1.Logammal
2.Kosalai @ Kowsalya
3.Lakshmi

... Petitioners / Defendants 2 to 4
Vs.

Panchatcharam

... Respondent / Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to set aside the Fair and Final Order dated 08.12.2022 in I.A.No.1 of 2022 in O.S.No.29 of 2014 on the file of the Subordinate Judge at Tiruvallur and to allow the above Civil Revision Petition.

For Petitioners : Mr.T.Sundaravadanam
For Respondent : Mr.A.R.Suresh

ORDER

This Civil Revision Petition has been filed by the defendants 2 to 4 in O.S.No.29 of 2014, on the file of the Subordinate Court, Tiruvallur, challenging the dismissal of I.A.No.1 of 2022 dated 08.12.2022.

2.The petitioners have approached the Trial Court seeking relief to send



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subject the suit promissory note for forensic examination and for comparing the signature of the defendant No.1 (Executor of the promissory note). It was dismissed by the trial Court on the ground that there is no contemporary document produced for the purpose of comparison and further, while the first defendant was alive, he had filed I.A.No.20 of 2016, for very same relief which was also dismissed and it has reached its finality.

3. Aggrieved over the dismissal, this application has been filed by the defendants 2 to 4.

4. The learned counsel for the Petitioners / Defendants 2 to 4 submitted that it is a specific case of the defendants that the signature of the defendant No.1 was forged, and that he had filed a written statement to that effect. Subsequently, the defendant No.1 died and there was no further progress in the suit until the other defendants were impleaded. Since the signature of Defendant No.1 has been denied, it would be appropriate for defendants 2 to 4 to subject the suit promissory note to forensic examination. He further submitted that, though no contemporaneous document available for comparison, they seek to compare the signature on the written statement with the signature on the suit promissory note.



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He further submitted that no other documents are available as on today, and therefore they requested the trial Court to send the signatures in the copy of the written statement for comparison with the suit promissory note. He further submitted that if the same is not permitted it would cause prejudice to them.

5.Per contra, the learned counsel for the Plaintiff /Respondent submitted that the first defendant, while he was alive, had filed a petition for comparison of signatures, but the same was also dismissed and had attained finality. The suit has been pending from the year 2014, and this application has been filed solely for the purpose of delaying the trial process. Hence, he prays to confirm the order of the trial Court, which rejected the relief of seeking comparison.

6.I have considered the submissions made on both sides and also gone through the order passed by the trial Court.

7.The Trial Court is of the view that the first defendant filed his written statement in the suit on 19.03.2014, and the proof affidavit was also filed and evidence were recorded. Subsequently, P.W.2 was also examined in the suit.

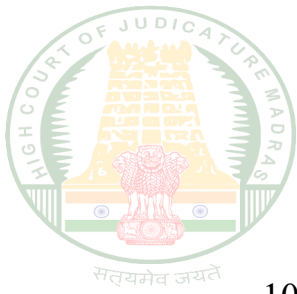


Thereafter, a reopen petition was filed along with a petition to set aside the *exparte* order, and the same was also allowed.

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8.Though the defendants claimed that the suit promissory note should be subjected to forensic examination, they have not produced any contemporary document. However, they relied on the written statement filed by the first defendant for the purpose of comparison.

9.It is well settled that documents which came into existence after the filing of the suit cannot be used for comparing the signature on the disputed document. In this case, the defendants are attempting to compare the signature in the written statement with the suit promissory note, and I am of the view that the same is not sustainable. Further, it is well settled that only contemporaneous documents alone be subjected for comparison. In this case, no contemporaneous documents are available. Further, it is also the case of the plaintiff that the first defendant himself had already filed a similar petition, and the same was also dismissed and has attained finality. Now, the trial is progressing, and P.W.2 has already been examined. Hence, I am of the view that allowing this petition at this stage would not serve any purpose, and accordingly, the same is liable to be dismissed.



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10. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

03.06.2026

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Index : Yes

Internet : Yes

Neutral Citation Case: Yes/No

To

1. The Subordinate Judge, Tiruvallur.

K.RAJASEKAR, J.

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