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CRP No. 4951 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4951 of 2024

and

CMP.No.27859 of 2024

1. M. Shanthi
W/o. M. Marimuthu, D.No.3/471-C2,
Venkateshwara Nagar,
Somaiyampalayam, Coimbatore 641
108.

Petitioner(s)

Vs

1. K. Maragatham
W/o. A. Kumarasamy, D.No.2, Hopes
Colony, Sulur, Coimbatore 641 402.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the order dated 18.09.2024 in IA No.4 of 2024 in OS No.549 of 2019 on the file of III Additional District Judge, Coimbatore.

For Petitioner(s): K.Sudhakar
K. Muruganandham
For Petitioner

For Respondent(s): M/s.B.Thirumalai
For Sole Respondent



ORDER

Challenging the impugned order passed in I.A. No. 4 of 2024 in O.S. No. 549 of 2019, on the file of the III Additional District Court, Coimbatore, the present Revision Petition has been filed by the defendant.

2. Before the trial Court, the revision petitioner/defendant filed an application to send the promissory note for expert opinion under Section 45 of the Indian Evidence Act. On hearing the objections raised by both sides, the learned trial Judge dismissed the petition holding that the suit has been pending from the year 2019 and that the defendant had filed her written statement only in the year 2022. The trial Court further observed that the application was filed belatedly at the stage of the defendant's evidence and therefore was not inclined to allow the petition. Accordingly, the application was dismissed. Aggrieved by the said order, the present Revision Petition has been filed.

3. The learned counsel for the revision petitioner submitted that at the time of filing the written statement, the defendant had specifically contended that she was not aware of the plaintiff and that the plaintiff, in collusion with one Manickam, had manipulated the documents. She had also denied her signature in the promissory note. In order to prove the same, she had filed the present application seeking expert opinion. However, the Court below failed to



appreciate the said contention and therefore he prayed that the impugned order be set aside.

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4. Per contra, the learned counsel for the respondent raised strong objections stating that in paragraph No. 12 of the written statement, the defendant had admitted her signature and had contended only that the blank document was given for security purposes. Therefore, the trial Court had rightly dismissed the application. He further submitted that the defendant had not taken any steps before the commencement of the trial and had filed the present application only after the completion of the plaintiff's evidence, with the intention of dragging on the proceedings. The trial Court had rightly considered these aspects and dismissed the application. Hence, he prayed for dismissal of the Revision Petition as devoid of merits.

5. On considering the submissions made on either side and on perusing the entire defence set out in the written statement, it is seen that the revision petitioner/defendant has pleaded that her husband had financial transactions with one Manikkam and that the said Manikkam, in collusion with the plaintiff, has created a false case by misusing the document which was allegedly given at the time of availing a loan. She has specifically stated that she has not signed the promissory note and that the same has been manipulated by the plaintiff and the said Manikkam. She has further contended that the said Manikkam is a



“Kandhu Vatti” Manikkam and that he, in collusion with the plaintiff, has come forward with a false claim.

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6. Considering the above submissions, if an opportunity is not given to the defendant to prove her defence, her valuable right to defend the case would be defeated. Even at the time of filing the written statement, she has stated that she was not aware of the plaintiff and was also not aware of the alleged promissory note. Though the petition has been filed after the completion of the plaintiff's evidence, in order to avoid miscarriage of justice and to prevent further multiplicity of proceedings, this Court is inclined to set aside the findings of the trial Court.

7. Accordingly, the petition filed in I.A. No. 4 of 2024 is ordered to be allowed. The revision petitioner/defendant is directed to produce the relevant documents for comparison of the signature found in the promissory note as well as in the A.D. card. The acknowledgment card is also disputed by the defendant stating that she was not served with any notice and that the signature found therein is not hers.

8. Therefore, the promissory note as well as the acknowledgment card are directed to be sent for expert opinion along with contemporaneous documents and other admitted signatures of the defendant for comparison.



9. In view of the above, this Civil Revision petition is Allowed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05-03-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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W/o. A. Kumarasamy, D.No.2, Hopes
Colony, Sulur, Coimbatore 641 402.

2.III, Additional District Judge,
Coimbatore.

3. The Section Officer, VR Section,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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