



WEB COPY



A No. 5262 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-01-2026**

CORAM

**THE HON'BLE MR.JUSTICE P. DHANABAL**

**A No. 5262 of 2025 in  
C.S.No.259 of 2022**

J.N.Ramji alias J.N.Jahath Ramjee

..Applicant(s)

Vs

S.X.J.Vasan S/o.Late S.Xavier,

..Respondent(s)

**Prayer:**

Application filed under Order XIV Rule 8 of OS Rules r/w Order XXVI Rule 10A of CPC to send the Exhibits P7 and P8 marked on the side of the Respondent/Plaintiff for Expert Opinion for proving the original signatures of the Applicant/Defendant.

For Applicant(s): Mr.G. Muthukumar

For Respondent(s): Mr.K.Sukumaran

**ORDER**

This application has been filed by the applicant / defendant to send the documents marked as Ex.P.7 and Ex.P.8 along with admitted signatures found in the Memorandum of Deposit of Title deeds dated 12.06.2020 for expert opinion.



A No. 5262 of 2025

2. The learned counsel appearing for the applicant would submit that the applicant is the defendant in the main Suit and the respondent / plaintiff has filed the Suit for recovery of money as against the applicant / defendant for a sum of Rs.1,45,79,200/- with interest @ 12% per annum for the principal amount of Rs.80 lakhs. In fact, the respondent / Plaintiff has no source of funds to advance alleged loan to the applicant / defendant and he fabricated the documents. Further, the signature found in Exs.P7 and P8 are not the signatures of the applicant / defendant. Further, during the cross examination of P.W.1, he deposed that he gave such a huge amount without interest. Further, if the relevant forged documents of respondent / plaintiff is sent for expert opinion, the truth will come and the Court can decide the matter effectively. Therefore, filed this application.

3. The learned counsel appearing for the respondent / Plaintiff filed a detailed counter and vehemently denied the averments made in the petition by submitting that the applicant has not taken any steps immediately after filing the written statement. Further, after filing the written statement, issues have been framed and after completion of



A No. 5262 of 2025

evidence, the applicant has filed the present application and there is no merits in the application, therefore, prayed for dismissal of the application.

4. Heard the learned counsel appearing on both sides and perused the entire materials placed on record.

5. The applicant / defendant has filed the present application to compare the signatures found in Exs.P.7 and P.8 along with admitted signature of Memorandum of Deposit of Title Deeds dated 12.06.2020 through expert. It is the duty of the respondent / plaintiff to prove his case with sufficient evidence. The respondent / plaintiff has not taken any steps to compare the signature and the applicant, being the defendant, has filed the present application after completion of evidence on the plaintiff's side. The applicant has not taken any steps at the earlier point of time and in the written statement also, the applicant denied the borrowal of money and execution of documents, therefore, it is the duty of the respondent / plaintiff to prove his case based on the available records. Per contra, the applicant, being the defendant has



A No. 5262 of 2025

filed the present application at the belated stage, after completion of plaintiff's side witnesses. There are no reasons stated by the applicant for the delay in filing the application, therefore, at this stage, it is not appropriate to allow the application and the present application has no merits and deserves to be dismissed.

Accordingly, the present application is dismissed.

**19-01-2026**

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

ssd



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A No. 5262 of 2025

**P.DHANABAL, J.**

ssd

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