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CRP No. 193 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 193 of 2026 and
CMP.No.807 of 2026**

S.Karthikeyan

..Petitioner(s)

Vs

1. K.Dhandapani
2. S.Ashwin
3. M.Dhanalakshmi
4. M/s. Cholamandalam Investment and Finance
Company Ltd.
No. 301, 302 A Block, Raheja Centre,
3rd Floor, Avinashi Road
Coimbatore 641018

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Order dated 25.09.2025 in I.A. No. 8 of 2025 filed in OS No. 394 of 2019 on the file of learned 1st Additional District and Sessions Judge, Tiruppur.

For Petitioner(s):

Mr.Rajesh Ramanathan

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 voice sample available in CD's marked as Ex.A18 and Ex.A19 with the voice sample of the 1st defendant.



2. The petitioner herein filed a suit seeking cancellation of sale deed dated 28.09.2018 executed by him in favour of defendants 1 and 2. He also sought for declaration that the sale deed dated 20.03.2019 in favour of third defendant was a sham and nominal document. He also sought for permanent injunction restraining the defendants from disturbing his alleged possession over the suit property. It was the specific case of the petitioner/plaintiff that there was loan transaction between him and the first defendant and the first defendant demanded usurious interest of 16% per annum. According to the petitioner, the illegal demand made by the first defendant was recorded by his uncle Paramasivam, who was examined as PW2 and those conversations were available in Exs.A18 and A19, the CD's. The instant application has been filed to compare the voice sample available in CD's with the voice sample of the 1st defendant to prove that the 1st defendant made certain demands. The said application was dismissed by the trial court. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner submitted that the conversation recorded in Exs.A18 and A19 will help the petitioner to prove his case. Therefore, the trial court, in the interest of justice, ought have ordered comparison of the voice samples.

4. In the counter filed by the respondents 1 and 2, there is no specific denial of the voice. In Paragraph No. 4 of the counter, it was stated that the



discussion contained in Ex.A18 was only regarding the brokerage commission and the same was not with regard to the demand of usurious interest. In the impugned order, the trial court rightly observed that the relevancy and admissibility of the CD's will be decided at the time of final disposal. In fact, in the impugned order, the trial court also observed that the defendants made certain suggestions to PW2 and the suggestion would amount to indirect admission of telephonic conversation recorded in CD's. In such circumstances, there is no need for comparison of the voice sample contained in CD's with the admitted voice sample of the 1st defendant. When there is no specific denial of the voice sample available in CD's by the defendants, the present application filed by the petitioner is devoid of merits and therefore, the trial court rightly dismissed the application. I do not find any error in the impugned order passed by the trial court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

20-01-2026

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

To

The 1st Additional District and Sessions Judge,
Tiruppur



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S.SOUNTHAR, J.

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