



CRP(MD). No.536 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26/02/2026

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THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.536 of 2026 and
CMP(MD).No.2506 of 2026

1. Durai Raj
2. Dulasi Bai

... Petitioners

Vs

Nelson

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 11.12.2025 made in IA No.4 of 2025 in OS No.1 of 2022 on the file of the learned Subordinate Judge, Padmanabhapuram and allow the Civil Revision Petition and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Petitioner : Mr. V.Sasi Kumar

ORDER

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 11.12.2025 passed in I.A.No.4 of 2025 in O.S.No.1

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of 2022 on the file of the learned Subordinate Judge, Padmanabhapuram.

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2. The learned counsel appearing for the petitioners submitted that the suit has been filed based on a promissory note dated 18.11.2020 and the petitioners/defendants have disputed the signature found in the said promissory note. In order to substantiate their defence, the petitioners filed I.A.No.4 of 2025 before the trial Court seeking to send the disputed signature found in the promissory note for comparison by an handwriting expert.

3. According to the petitioners, for the purpose of comparison, reliance was placed on their admitted signatures available in the registered sale deed dated 04.10.2022. However, the trial Court dismissed the application on the ground that no contemporaneous admitted document containing the petitioners' signatures was produced for comparison with the disputed signature in the promissory note.

4. The learned counsel for the petitioners contended that the trial Court ought to have allowed the application since expert comparison



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would assist the Court in arriving at a just conclusion regarding the genuineness of the disputed signature.

5. This Court has considered the submissions made and perused the materials on record. It is not in dispute that the suit is based on the promissory note dated 18.11.2020. The document relied upon by the petitioners for comparison is the sale deed dated 04.10.2022, which is not a contemporaneous document to the disputed promissory note.

6. Though the Court has power under Section 45 of the Indian Evidence Act to obtain an experts opinion and under Section 73 of the Indian Evidence Act to compare signatures, such power must be exercised judiciously and normally with the aid of contemporaneous admitted signatures. In the present case, since no contemporaneous admitted document has been produced, the trial Court dismissed the application. This Court does not find any illegality or material irregularity in the order passed by the trial Court warranting interference in revision.



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7. However, the revision petitioners are at liberty to file a fresh application before the trial Court if they are able to produce any contemporaneous admitted document containing their signatures for the purpose of comparison.

8. With the above observation, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

26.02.2026

TRP

Index : yes / no

Internet : yes / no

TO

The Subordinate Judge, Padmanabhapuram



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