



C.R.P.(MD) No.789 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.789 of 2026
and
CMP(MD) No.3637 of 2026**

C.Madhavan

... Petitioner

vs.

E.Rajesh

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 28.11.2025, passed in I.A.No.3 of 2025 in O.S.No.17 of 2025, on the file of the learned District Munsif Court, Eraniel, Kanyakumari District.

For Petitioner : Mr.C.Kishore

ORDER

Heard Mr.C.Kishore for the Civil Revision Petitioner.

2.The defendant is the Civil Revision Petitioner.

3.O.S.No.17 of 2025 is a suit for recovery of money on the foot of a promissory note. In the said suit, the defendant took a plea that the



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pro-note is a result of an act of forgery and that, he is not bound to pay any money under the said document.

4.The defendant filed an application in I.A.No.3 of 2025, invoking the jurisdiction of the Court under Order XXVI Rule 9 r/w Section 45 of the Indian Evidence Act, 1872, to send the disputed pro-note for comparison of signatures. The said application was dismissed. Hence, this revision.

5.The learned Judge dismissed the application on the ground that the defendant had not produced any admitted documents, along with the application, in order to seek comparison of the disputed document with the admitted documents.

6.I do not find any error in the order passed by the learned Judge. The act of comparison means an admitted signature is compared with the disputed signature and a report be submitted to the Court. When the defendant has not produced any admitted signature, the question of comparison does not arise.



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7. When this aspect was pointed out to Mr.C.Kishore, he seeks liberty to move a fresh application, along with the admitted documents, including an admitted sale deed filed by the plaintiff along with the plaint, for the purpose of comparison.

8. The Civil Revision Petition stands **dismissed** with liberty that Mr.C.Kishore seeks. The dismissal of I.A.No.3 of 2025 or the confirmation of the order in CRP(MD) No. 789 of 2026 will not stand in the way of the Civil Revision Petitioner to renew his request, if he files admitted documents along with such petition. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

18.03.2026

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To

The District Munsif, Eraniel,
Kanyakumari District.



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V. LAKSHMINARAYANAN, J.

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