



CRP(MD). No.3731 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3731 of 2025
and CMP(MD).No.19662 of 2025**

Manokaran

... Petitioner

Vs.

Balamurugan

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decretal order passed in IA No.2 of 2025 in OS No.23 of 2024 on the file of the Learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, Dindigul District, dated 10.07.2025 by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.A.Balaji

ORDER

This civil revision petition has been filed to set aside the fair and decretal order passed in IA No.2 of 2025 in OS No.23 of 2024 on the file of the Learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act,



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Dindigul, Dindigul District, dated 10.07.2025.

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2. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the records.

3. The present Civil Revision Petition has been filed challenging the order of the trial Court dismissing the application seeking to send the disputed document for expert opinion.

4. The learned counsel for the revision petitioner submitted that the trial Court, while dismissing the application, had taken into consideration the signatures available in the bank passbook and Aadhaar card. It is contended that such documents cannot be relied upon for comparison, as the signatures contained therein may vary and do not constitute proper contemporaneous documents. Hence, any comparison based on such documents would be a subjective exercise and is impermissible in law.

5. It is further submitted that the Court cannot undertake comparison of disputed signatures on its own without the aid of expert opinion, particularly in the absence of reliable contemporaneous documents. In support of this



contention, reliance was placed on the judgment of this Court in the case of M.Kaliamoorthy Vs. Dhanuskodi, in S.A. Nos. 741 to 744 of 2006, wherein it has been held that comparison of signatures must be based on proper and contemporaneous documents and ordinarily requires expert assistance. The relevant is extracted hereunder:

“15. Another aspect highlighted by the learned Counsel for the Appellant was that the Courts below failed to invoke Order 26, Rule 10-A of C.P.C., in support of which, he seeks in aid of the decision of this Court in S. Chinnathai v. K.C. Chinnadura, 2010 (1) MWN (Civil) 413: 2010 (1) LW 646, wherein in Paragraph 11, it has been held as follows:

"In the Judgment reported in Kessarbai v. Jethabhai Jivan, AIR 1928 Privy Council 277, it has been held that the mere comparison of admitted signatures without Expert advice or microscopic examination is dangerous. In the Judgment reported in O. Bharathan v. K. Sudhakaran and another, 1996 (2) SCC 704, the Hon'ble Supreme Court has held that the Court itself should not compare the disputed signatures without the assistance of any Expert, when the signatures with which the disputed signatures are to be compared are themselves not the admitted signatures. Similarly, in the Judgment reported in Kothandapani Padayachi v. Ranganatha Padayachi and others, 1997 (1) MLJ 304, the Hon'ble High Court has held that it is



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advisable to have an assistance of Handwriting Expert and the Court shall be slow in venturing on an opinion on the basis of mere comparison. In the Judgment reported in *Dhanakodi Padayachi v Muthukumaraswami*, 1997 (2) MLJ 37, the Hon'ble High Court has again held that the Court shall not compare the disputed and base its conclusion thereon."

6.This Court is of the view that the trial Court erred in rejecting the application without properly considering the necessity of obtaining expert opinion and without ensuring availability of appropriate documents for comparison.

7.Accordingly, the order passed by the trial Court is set aside, and the matter is remanded back to the trial Court for fresh consideration. The trial Court shall consider the application afresh and, if appropriate contemporaneous documents are furnished for comparison of signatures, take steps to refer the disputed document for expert opinion.



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8. With the above directions, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
TM

23.02.2026

To

1. The Learned Special Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, Dindigul District,

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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