

**IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION),
MUVATTUPUZHA**

Present:- Sri. Atheek Rahman, Civil Judge (Senior Division)

Monday, the 29th day of September, 2025 / 7th Aswina 1947

I.A.No. 21/2025 in O.S No.60/2014

Petitioner/ 3rd Defendant:-

Dominic, aged 52 years,
Pedkkattukunnel Veedu,
Vahakkulam Kara,
Manjalloor Village,
Muvattupuzha Taluk (Plaintiff)

By Advs. N. Ramesh & Raju P.V

Respondents:-

- 1 Sree Gokulam Chitt and Finance Company Pvt. Ltd.,
Arcade Road, Kodambalam,
Chenna- 600024. (1st Defendant)
- 2 Mathew M. Desouza, aged 52 years,
Mamoottl Veedu, Karimkunnam Kara,
Thodupuzha Taluk.
- 3 Ran W/o Mammoottil Mathew M. Desouza,
aged 39, Karimkunnam Kara,
Karimkunnam Village,
Thodupuzha Taluk. (2nd Defendant)

R1 – By Adv. Gigi Peter.

R2 – No Vakalath.

R3 – By Adv. M.M. Hallaj.

This petition is filed under Section 151 of Civil Procedure Code , to send the documents marked as Exts. A7, A8, A9, A10,A11 and A12 documents for comparison with the signature of the petitioner in his vakalath and written statement, by a handwriting expert of the FSL. This petition is coming on for final hearing on 24.09.2025 in the presence of the above counsel and the Court on 29th day of September 2025 passed the following:-

ORDER

This petition is filed by the petitioner/3rd defendant under Section 151 of the Code of Civil Procedure, seeking to send the documents marked as Exts.A7, A8, A9, A10, A11 and A12 documents for comparison with the signature of the petitioner in his vakalath and written statement, by a handwriting expert of the FSL, Thiruvananthapuram. The petition is supported by an affidavit sworn by the petitioner/3rd defendant. The petitioner contended that the signature of the petitioner in the above mentioned exhibits does not belong to him.

2. The 1st respondent/plaintiff company filed objection through its power of attorney holder stating that the averments and allegations contained in the affidavit in support of the petition are false. The petition is not maintainable either in law or on facts. The evidence of the plaintiff was completed. Thereafter, the 2nd defendant and her witness were examined as DW1 and DW2 and Exts.B1 and B2 documents were marked. Thereafter, the present petition has been filed by the 3rd defendant. The petition is highly belated. The 3rd defendant had hotly contested the matter and was examined as DW1 in this case upon proof affidavit, and the case was decreed on 21.08.2019. This court permitted the petitioner only to participate the trial as per order dated 20.06.2025. The 3rd defendant filed his written statement in 2012. The denial of the petitioner is vague. Hence, the 1st respondent prayed to dismiss the petition.

3. Other respondents did not file objection.

4. Both sides were heard.

5. The learned counsel for the petitioner argued that the petitioner is disputing the signatures in the documents marked as

Ext.A7 series to Ext.A12 series, contending that they do not belong to him. Hence, it is highly essential to send those documents for comparison with the petitioner's signatures in his vakalath and written statement.

6. Per contra, the learned counsel for the plaintiff vehemently opposed the application contending that the attempt of the 3rd defendant is nothing but a dilatory tactics. The petition is filed at the fag end of the case. During this stage also, the 1st defendant remains exparte. The attempt of the defendants is clearly a delaying tactics and an abuse of the process of the court. Hence, he prayed to dismiss the petition.

7. I have perused the records. Ext.A7 series to Ext. A12 series are the promissory notes, memorandum of deposit of title deeds, debt acknowledgment executed by the defendants. The suit was earlier decreed on 21.08.2019. During that time, the petitioner/3rd defendant alone contested the matter. Defendants 1 and 2 were exparte. Thereafter, as per the order in RP IA 01/2021 filed by the 2nd defendant, the suit was restored by setting aside the decree dated 21.08.2019 as

against all the defendants. Subsequently, on the application of the 2nd defendant, her specimen signature and the aforementioned documents were sent to FSL, Thiruvananthapuram for expert opinion. After examination of the documents, the expert filed a report. Thereafter, upon completion of the pre-trial steps, the case was included in the list on 01.02.2025. PW1 to PW5 were examined from the side of the plaintiff, and Ext.A1 to Ext.A22 documents were marked. PW5 is the expert who filed Ext.C1 report after comparing the specimen signatures with the signatures in Ext.A7 series to Ext.A12 series. Upon completing the evidence of the plaintiffs, the 2nd defendant was examined as DW1 and one witness was examined as DW2. Ext. B1 and B2 were also marked from the side of the 2nd defendant. At this stage, the present petition is filed by the 3rd defendant.

8. It is pertinent to note that the petitioner has not made any request to send his specimen signatures and admitted signatures from the relevant period for comparison with the aforementioned documents. He has not offered any proper explanation regarding the belated filing of the petition. Even after getting sufficient opportunity,

the petitioner failed to taken any steps to compare the signature earlier.

Hence, I am of the view that the present petition is filed without any bonafides and intended to protract the matter, especially after examining five witnesses on the side of plaintiff and two witnesses from the side of defendants.

In the result, the petition is dismissed. No costs.

Dictated to the Confidential Assistant, typed by her directly into computer, corrected and pronounced by me in the Open Court, this the 29th day of September 2025.

Sd/-

ATHEEK RAHMAN
CIVIL JUDGE(SENIOR DIVISION)

APPENDIX :- Nil

Sd/-

CIVIL JUDGE(SENIOR DIVISION)

Ss/-

Bmm/-

Order
in I.A. No.21/2025
in O.S. 60/2014
Dated: 29.09.2025