

IN THE COURT OF THE SUBORDINATE JUDGE OF VATAKARA.

Present: Sri. Joji Thomas, Sub Judge.

Tuesday, the 5th day of August, 2025

IA 02/2024 IN OS 89/2022

Between:

Ashokan,
S/o Chathu, 54 Years,
Residing at 'Manangattu Poyil',
Kayakkodi Amsom, Desom,
Kayakkodi Post, Vatakara Taluk,
Kozhikode District, Kerala State.

} Petitioner/Defendant

And:

Baby Rajan,
W/o Rajan, aged 54 years,
Residing at 'Manangattu Poyil',
Kayakkodi Amsom, Desom,
Kayakkodi Post, Vatakara Taluk,
Kozhikode District, Kerala State.

} Respondent/Plaintiff

This petition coming on the 31st day of July, 2025 for final hearing before me in the presence of Sri. C. Subramanian, Sri. P. Anoop, and Smt. E. Vidya, Advocates for Petitioner and of Sri. Prafulla Chandran Moodadi, Sri.K.P. Pradeepan and Sri. Gireesh.P, Advocates for Respondent and having stood over to this day for consideration the Court passed the following:

ORDER

This application is filed under Order 26 Rule 10A of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to call for report from the Forensic Laboratory at Kannur or Thiruvananthapuram after comparison of signature of defendant purported to be of the him in cheque produced as

document No.1 along with the plaint, with the admitted signature of the defendant as well as specimen signatures obtained from him.

2. The petitioner is the power of attorney holder of the defendant. The present suit is filed by the plaintiff for recovery of money on the strength of cheque produced as document No.1. The defendant has filed written statement denying the signature in the said cheque. He has stated that the said signature is forged by the plaintiff. Hence, it has become necessary to call for a report of handwriting expert to prove the said fact. Hence, this application.

3. The respondent filed counter affidavit with following contentions:- The petitioner/defendant stated that he maintained a bank account at Kuttiyadi Panchayath Service Co-operative Bank Ltd. and that his signature is on a specimen signature slip held by the bank. The document from the co-operative bank is not a reliable source for signature comparison. The specimen signature slip maintained by a co-operative bank is subject to replacement at the defendant's discretion, which increases the possibility of fabrication. Therefore, the signatures on this document cannot be definitively considered the original signatures of Mr. Ashokan. The petitioner/defendant is also the plaintiff in a separate suit, O.S. 21 of 2022, which was filed based on a written agreement signed by the petitioner/defendant. The signatures on this document and the disputed signatures are from the same time period. Signature analysis is not an

absolutely dependable technology. A person's signature changes over time, and a signature written today will not be identical to one written ten years ago. If there is a significant time gap between signatures, an expert opinion on the comparison is not possible. Therefore, an old signature slip from a bank is not suitable for a comparison, and sending it to a forensic expert would not serve its intended purpose. Signature identification experts are required to provide an opinion. Expert opinion on signatures depends largely on the skill, tactics, observation, and knowledge of the handwriting expert. The quality of experts varies based on their experience, and if a disputed signature is referred to multiple experts, their opinions are not guaranteed to be concurrent. The chances of a disparity in opinion are high. Although many private agencies exist, the basic scientific methodologies they use for analyzing and comparing physical evidence are not consistently reliable. The purpose of an expert providing opinion and evidence to a court is to assist the judiciary in delivering justice. It is understood that the Regional Forensic Laboratory, Thiruvananthapuram, does not have experienced experts in handwriting and signature examination in its documents division. Under these circumstances, sending the document there would not serve the court's purpose. The expert must be an experienced person. While the Regional Forensic Science Laboratory, Thiruvananthapuram, is an autonomous body, the forensic laboratories in Delhi and Hyderabad are considered safer options for a more reliable result. They operate under the Ministry of Home Affairs,

Government of India, handle a high volume of cases, and employ experienced experts. These laboratories are also equipped with the latest technology and equipment. In light of these facts, the signature on the cheque produced as Document No. 1 along with the plaint, should be sent for comparison with the admitted signatures of the defendant, along with signatures taken by this Honorable Court in the presence of witnesses. The comparison should be conducted at the petitioner/defendant's expense at one of the following locations:

a. The Regional Forensic Science Laboratory, Govt. of NCT of Delhi, 7th Floor, NDMC Building, Yashwant Palace, Chanakyapuri, New Delhi, 110021 (or) Madhuban Chowk, Rohini Sector-14, Delhi, 110085. b. The Central Forensic Science Laboratory, Directorate of Forensics Science Services, Ministry of Home Affairs, Government of India, Amberpet Post, Ramanthapur, Hyderabad - 500013, Telangana.

4. Heard both sides.

5. The original of the disputed cheque is called for from Judicial Magistrate of First Class-II, Nadapuram where it was produced. In order to compare signature and handwriting, admitted signatures and handwriting of the defendants are also necessary. Hence, Ext.A1 marked in OS 21 of 2022 in the files of this Court as well as account opening form from Kuttiady Panchayath Service Cooperative Bank of account of defendant, containing admitted signature

of the defendant are also called for. The vakalath filed by the defendant containing his signature is also available on files of this Court. Both sides have expressed willingness to call for the report of expert with respect to the signature in cheque dated 20.09.2022. However, the plaintiff preferred to call for report from either Regional Forensic Laboratory Government of NCT of Delhi, Delhi or Central Forensic Science Laboratory, Ministry of Home Affairs, Hyderabad. Nothing wrong in calling for report from either of those laboratories. Since, the signature is affixed with the name, I am of the opinion that signature as well as handwriting need to be made subject matter of forensic analysis. Hence, this application is to be allowed. The defendant is directed to provide 30 specimen handwriting and signatures. This must be done across five pages, with each page containing: (a) six words written as "M.P. Asokan", (b) six signatures (c) six numbers written with the name "M.P. Asokan" and the signature together. These specimens should be written and signed at a normal speed in the presence of the Chief Ministerial Officer of this Court.

6. The aforesaid specimen hand writings and specimen signatures along with admitted handwriting and signatures available in Ext.A1 in OS 21 of 2022, account opening form with Kuttiyadi Panchayath Service Co-operative Bank and the vakalath filed in this case and disputed cheque No.1742, dated 20.09.2022 drawn on Kuttiyady Panchyath Service Cooperative Bank Limited No.1488 shall be sent to the Central Forensic Science Laboratory, Directorate of Forensics

Science Services, Ministry of Home Affairs, Government of India, Amberpet Post, Ramanthapur, Hyderabad 500013, Telangana to compare the specimen and admitted hand writings and signatures with disputed signature and handwriting in cheque No.1742, dated 20.09.2022 drawn on Kuttiyady Panchyath Service Cooperative Bank Limited No.1488. The respondent shall take steps to prepare standard requisition form in the format prescribed. The office shall prepare the standard requisition form and forward the aforesaid documents to Central Forensic Science Laboratory, Directorate of Forensics Science Services, Ministry of Home Affairs, Government of India, Amberpet Post, Ramanthapur, Hyderabad 500013, Telangana and call for report. Since, there is request from both sides to call for report, both sides shall share the expenses equally. As this Court has accepted the request of respondent to call for report from an agency outside the State of Kerala, the respondent shall remit requisite fees and produce challan. The petitioner shall pay 50% of the requisite fees to the respondent. In case, the petitioner failed to share the fees, respondent shall recover the same from the petitioner through due process of law.

In the result, this application is allowed as stated above.

(Dictated to C.A, typed by her, corrected and pronounced by me in Open Court, on this the 5th day of August, 2025)

Sd/-
SUB-JUDGE,
VATAKARA.

Witnesses and Exhibits marked on either side: NIL

Sd/-
SUB-JUDGE,
VATAKARA.

Fair/Copy of order
in IA.02/2024 in OS.89/22
dtd 05/08/2025