

**IN THE COURT OF THE SUBORDINATE JUDGE,
KOTTARAKKARA**

**Present:- Sri. Shanavas. A, Civil Judge (Senior Division)
On Thursday the 11th day of December, 2025/20th day of Agrahayana, 1947.**

IA 6/2024

in

AS 10/2023

Between

Petitioner/Appellant:-

Vijayamma, W/o. Vijayan,
Vijaya Vilasom,
Ezhukone P.O, Ezhukone Village,
Kottarakkara Taluk.

By Adv: Sri. P.K. Raveendran.

And

Respondent:-

Gopakumar. N,
Kalpakalayam, Karickal,
Karimpinpuzha (P.O).,
Puthoor Village,
Kottarakkara Taluk.

By Adv: Sri. Chittayam.R.Sathish Kumar
&
Adv: Sri. C.K. Hari Kumar.

This petition is filed U/S. 151 of the CPC, 1908 is coming on for final hearing before me on 01.12.2025 and having stood over for consideration to this day, the court passed the following:

ORDER

This is an order in a petition to forward demand promissory note for comparison of signature and handwriting therein to Forensic Science Laboratory.

2. Petitioner's case in brief is as follows:- Petitioner is the appellant and defendant in the suit. The respondent is the plaintiff in the suit. The respondent filed suit for realisation of money against the appellant. In fact the alleged demanded promissory was not executed by the petitioner. A reply notice was sent by the petitioner stating that the alleged signature and handwriting are not of the petitioner. It was stated in the affidavit in lieu of examination in chief filed by the respondent that the appellant had signed before the respondent in the alleged promissory note. Though the petitioner denied the signature and handwriting in the alleged demand promissory note, the respondent did not take any steps send the document for FSL examination. The finding of the trial court regarding the familiarity of the signatures in the admitted document as well as the demand promissory note is opposed facts. So the petitioner has to sent the document for FSL. Therefore the petitioner sought for allowing the

petition and to send demand promissory note to FSL with the admitted handwriting and signature for comparison as per law. Thus the petition.

3. **The respondent filed objection contenting interalia as follows:-** The petition is not maintainable either in law or on facts. In fact the defendant/ appellant had sufficient opportunities to send the document to FSL during the trial. It was made mention in the judgment , appellant did not take steps to send the document to FSL. The attempt on the side of the petitioner to prolonge the appeal. It is seen that the appellant denied the signature in Ext.A4 that is the acknowledgement card signed by the appellant. So there is no purpose served even sending those documents to FSL and which is an abuse of the process of the court. In fact it was the impugned document contained the signature of the appellant. The reason for not filing the petitioner to sent disputed document to FSL is silent / suppressed in the affidavit. In fact the petitioner wilfully variated the signature, so the FSL may be opined that there is difference in the signature. So there should be no purpose served if this court inclined to sent the document to FSL. Therefore the respondent sough to dismiss the petition.

4. Heard both sides.

5. The following points arose for Consideration:-

1. Whether the petitioner /appellant entitled for an order to forward the demand the promissory note for to FSL for comparison of handwriting and signature with admitted documents?
2. What shall be the order ?

6. **Point No.1:-** The respondent filed the suit for realisation of money against the appellant. The trial court after considering the evidence on record decreed the suit on finding that the impugned document was executed by the appellant herein. It was observed by the trial court in the judgment that even though the appellant denied the signatures she had not cared to file petition to send disputed document to FSL. It is pertinent to note that the defendant never taken any steps to examine the signature for which defendant had no explanation. The alleged document contains the signature of the appellant. It is the duty of the plaintiff to sent the document to FSL once the defendant denied this signature. In the judgment of the trial court it was made mentioned that the defendant did not take any steps to sent the same to FSL. The objection raised on the side of the respondent/ plaintiff that it is to prolong the matter the appellant had filed this petition. Anyhow if at all, the plaintiff is not ready to sent the documents to FSL there is nothing to blame the defendant , if she chooses to send the same to FSL. So the appellant is vehemently disputing the signature in the document. Hence I am of the view that the impugned document such as Ext.A1 demand promissory note has

to be sent to FSL for comparison as per law. The objection raised by the respondent cannot be sustained. Hence in order to disprove that the signature contained in the demand promissory note is not that of the defendant, the document has to be sent to FSL for comparison. Hence I am inclined to allow this petition. Hence point No. 1 is found in favour of the petitioner.

7. **Point No.2:-** In view of my discussions and findings on point No.1 the petition is liable to be allowed.

In the result, the petition stands allowed. Ext.A1 demand promissory note is forwarded to FSL for comparison of its signature and handwriting with the admitted document of the petitioner, subject to condition that the petitioner shall produce and takes steps within one month from today. No order as to costs.

(Dictated to the confidential assistant, typewritten by her, corrected and pronounced in open court on this 11th day of December 2025).

Sd/-
SHANAVAS. A
Civil Judge (Senior Division)

Appendix:- Nil.

Sd/-
Civil Judge (Senior Division).

Typed by : Binu.S
Compd.by: Shinu.