

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, DINDIGUL**Present : Thiru.Swarnam J.Rajagopalan, B.A.B.L.,(Hons.)****Additional District and Sessions Judge, Dindigul.**Wednesday, dated this the 17th day of June 2026**I.A.No.2/2026****In****O.S.No.12/2023**

M.Vasuki

... Petitioner/Plaintiff

-Vs-

I.Singadurai

... Respondent/Defendant

This petition came up for final hearing on 17.06.2026 before me in the presence of Thiru.V.S.Gandhimathinathan, Advocate for the petitioner/plaintiff. Thiru.M.Elangovan and Thiru.P.Veeramalai, Advocate for the Respondent/Defendant and upon heard the enquiry on both sides and upon perusal of case records and having stood over consideration of this court till this date and this court this day delivered the following:

ORDER

This petition has been filed by the petitioner/plaintiff under Order XXVI Rule 9 CPC, seeking appointment of an Advocate Commissioner to transmit the suit promissory note containing the disputed signature and thumb impression of the respondent/defendant, along with his admitted signature and thumb impression, to the

Forensic Science Department for scientific examination and comparison and to file a report before this Court.

2. The brief averments made in the petition are as follows:

- I. The suit has been instituted by the petitioner/plaintiff for recovery of money based on a promissory note. According to the petitioner, the respondent/defendant borrowed a sum of Rs.10,00,000/- on 05.10.2020 and agreed to repay the same with interest at the rate of Rs.2 per Rs.100 per month. In acknowledgment of the said liability, the respondent/defendant is stated to have executed the suit promissory note dated 05.10.2020 in favour of the petitioner/plaintiff and affixed his signature and thumb impression therein.
- II. The respondent/defendant, in his written statement, has denied the execution of the suit promissory note and contended that the signature found therein is not his and that the document is a forged one. In such circumstances, it has become necessary to send the disputed signature and thumb impression found in the suit promissory note, along with the admitted signature and thumb impression of the respondent/defendant, to the Forensic Science Department for scientific examination and comparison. According to the petitioner, such examination and the expert opinion rendered thereon would assist the Court in arriving at a just conclusion and would obviate the need for extensive oral evidence. Therefore, the petitioner/plaintiff seeks a direction to have the disputed and

admitted signatures and thumb impressions of the respondent/defendant examined by the Forensic Science Department and to obtain an expert report thereon. Hence, this petition.

3. The brief averments made in the counter filed by the respondent/defendant are as follows:

- I. The petition has been filed belatedly and only with a view to protract the proceedings and delay the disposal of the suit. The petitioner/plaintiff had issued a legal notice dated 07.11.2022. The respondent/defendant, by reply notice dated 30.11.2022, specifically denied the alleged loan transaction, disputed the execution of the suit promissory note, and contended that the signature found therein was not his and that the document was forged. The very same defence was reiterated in the written statement filed before this Court on 01.11.2023.
- II. Despite having knowledge of the respondent's specific denial from the very inception of the proceedings, the petitioner/plaintiff failed to take appropriate steps to have the disputed signature and thumb impression examined by a forensic expert. The petitioner/plaintiff examined himself and his witnesses, and the evidence on the side of the plaintiff has already been closed. Even during the course of trial, no application was filed seeking forensic examination of the disputed signature and thumb impression. It is only after the

commencement of the respondent/defendant's evidence, when the suit had reached an advanced stage of trial, that the present application came to be filed.

III. According to the respondent/defendant, the conduct of the petitioner/plaintiff clearly demonstrates that the application has been filed as an afterthought solely to delay the proceedings and prevent the expeditious disposal of the suit. Therefore, the petition is devoid of merits and is liable to be dismissed with costs.

4. Point for Consideration:

Whether the petitioner/plaintiff has made out sufficient grounds for the appointment of an Advocate Commissioner to forward the disputed signature and thumb impression found in the suit promissory note, along with the admitted signature and thumb impression of the respondent/defendant, to the Forensic Science Department for scientific examination and comparison?

5. Discussion:

Heard the submissions made on either side. Perused the petition, the counter filed by the respondent/defendant, and the materials available on record.

It is seen that the suit has been filed for recovery of money based on a promissory note. The execution of the suit promissory note has been specifically denied by the respondent/defendant. The respondent has disputed both the signature and thumb

impression found in the suit promissory note and has contended that the document is a forged one.

6. In order to effectively adjudicate the dispute involved in the suit and to arrive at a just conclusion, this Court is of the considered view that a scientific examination of the disputed signature and thumb impression by a competent Forensic Science Expert is necessary. The expert opinion obtained through such examination would assist the Court in appreciating the evidence and determining the genuineness of the suit promissory note.

7. The burden of proving the execution of the suit promissory note squarely rests upon the petitioner/plaintiff, particularly in view of the specific denial raised by the respondent/defendant. Though the respondent has opposed the petition on the ground that it has been filed at a belated stage, this Court is of the view that the petitioner cannot be deprived of an opportunity to establish the execution of the suit document through scientific evidence, especially when the execution itself is seriously disputed by the respondent/defendant.

8. The contention of the respondent/defendant that the petition has been filed belatedly cannot, by itself, be a ground to reject the request, when the examination sought is essential for a proper and effective adjudication of the issues involved in the suit. Further, no prejudice would be caused to the respondent/defendant if the disputed and admitted signatures and thumb impressions are subjected to scientific

examination by the Forensic Science Department. On the other hand, such examination would facilitate the Court in arriving at a fair and just conclusion. Accordingly, the point for consideration is answered in favour of the petitioner/plaintiff.

9. In the result, the petition is allowed.

Mr. M. Mohankumar, Advocate, Enrollment No. M.S. No.3257/2023, is appointed as Advocate Commissioner to take necessary steps for forwarding the suit promissory note containing the disputed signature and thumb impression, together with the admitted signature and thumb impression of the respondent/defendant, to the Forensic Science Department for examination, comparison and expert opinion.

The remuneration of the Advocate Commissioner is fixed at Rs.3,000/- (Rupees Three Thousand only), payable by the petitioner/plaintiff within the time stipulated by this Court. The Advocate Commissioner shall file a report before this Court immediately upon receipt of the expert opinion from the Forensic Science Department.

Call on: 17.07.2026 for filing the Commissioner's report.

Dictated to the Steno - typist and typed by her, corrected and pronounced by me in open court this the 17th day of June 2026.

**Additional District Judge,
Dindigul.**

Appendix

Petitioner and Respondent side witness and document:

- Nil -

**Additional District Judge,
Dindigul.**