

IN THE COURT OF THE III ADDITIONAL DISTRICT COURT, SALEM.  
Present: Tmt. L.Kalaivani, BA.,B.L.,  
III Additional District Judge, Salem.

---

Friday, the 31<sup>st</sup> day of January 2025.

I.A.4/2023  
in  
O.S.No.496/2019

M.Ponnusamy ... Petitioner/Defendant  
/Vs/  
G.Subramaniam ... Respondent/Plaintiff

This petition is coming on 20.01.2025 before me for final hearing in the presence of Thiru.R.P.Kanagaraj, learned counsel for the Petitioner/ Defendant and Thiru.R.Thirunavukarasu learned counsel for the Respondent/Defendant. Upon hearing the arguments of both and having stood over for consideration till date, this court delivered the following:-

**ORDER**

This petition has been filed by the petitioner Under Order 16 Rule 6 and 151 of CPC.

**1. Brief case of the petitioner is as follows:-**

The respondent has filed suit against the petitioner for recovery of money based on the pronote. But, the petitioner who is the defendant in the suit has filed written statement and stated that “ The plaintiff taking revenge and to grab the asset, filed the vexatious suit as that of the defendant borrowed money from the plaintiff”. Therefore, to verify the signature in the pronote the petitioner has filed a petition in IA.No.3/2023 for expert opinion and therefore, the petitioner has to produce admitted signature for the

comparison. Hence, the petitioner has come-forward with the present petition to send for the employment/non employment certificate and application of opinion Bank account.

**2. Nutshell of the counter filed by the respondent is as follows:-**

The respondent had denied the averments stated in the petition except that those are specifically admitted by the respondent. It is false to state that the respondent in order to grab the property of the petitioner has filed the suit. The petitioner must have other documents contained his signature during the relevant point of time and this petition is premature one. Hence, it is prayed for dismissal.

**3. Point for consideration is:**

Whether this petition is liable to be allowed or not?

**4. Answer to the Point:-**

This petition has been filed under Order 16 Rule 6 of CPC to send for the original documents. The petitioner would contend that the respondent has filed suit for recovery of money based on the pronote wherein the petitioner has filed written statement and he has taken a stand that the pronote was not executed by him. Consequently, the petitioner has filed a petition in IA.No.3/2023 under section 45 of Indian evidence Act for comparison of signature. Therefore, it is necessary for the petitioner to produce the admitted documents for comparison of signature. Hence, the present petition to send for the documents which contains the signature of petitioner. Per contra, the respondent would contend that the petitioner can produce some other admitted document for the relevant period and the present petition is premature one and there is no need to send for the documents as prayed.

5. Upon perusal of rival submissions it is noted that the suit has been filed by the respondent based on the pronote and the petitioner has taken the

specific stand that the respondent/plaintiff might manipulated the suit pronote. It is further noticed that the petitioner has filed a petition under section 45 of Indian evidence Act to compare the admitted and dispute signature and the same the pending. The present petition is for sent for the original documents from the concern authority. Thus, court is of the considering view that in order to find out the truth whether the suit pronote was executed by the petitioner or not it is appropriate to sent for the original documents as sought by the petitioner to compare the signature found in the same along with the disputed signature. Considering the above said facts and circumstances of the case this court inclined to allow this petition.

In the result, this petition is allowed. No cost.

Dictated by me, to the Steno Typist, transcribed and computerized by her, corrected by me and pronounced in the open court, on this 31<sup>st</sup> day of January 2025.

(Sd/-L.Kalaivani)  
III Additional District Judge,  
Salem.

Fair/draft Order in  
I.A.No.4/2023 in  
O.S.No.496/2019  
Dt. 31.01.2025