

IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PERIYAKULAM, THENI DISTRICT.

Present: Mr. C.SANKAR, B.A. M.L. PGDCFS.,
Additional District and Sessions Judge,
Periyakulam, Theni District.

Wednesday, the 08th day of April, 2026.

IA.No.02/2025

- in -

OS.No.92/2025

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G.Pandiyarajan

... Petitioner/Defendant

// Vs. //

R.Moorthi

... Respondent/Plaintiff

This petition came up for final hearing before this Court on 23.03.2026, in the presence of Mr.T.Ambasankar, Learned Counsel for the petitioner and Mr.A.Gopalakrishnan, Learned Counsel for the Respondent and upon perusing the Petition, Counter and Documents and upon hearing both side arguments and having stood over for consideration till this day, this Court delivered the following...

ORDER

This petition has been filed by the Petitioner/Defendant under Section 45 of Indian Evidence Act.

Averments made in the Petition in brief is as follows:

2. The Petitioner is well acquainted with the facts of the case. The Respondent has filed a suit for recovery of money against the petitioner, for which he have already entered appearance and filed a detailed written statement, which may be read as part

and parcel of this affidavit. The Respondent has forged the petitioner signature and fabricated a promissory note dated 04.02.2024 as if it was executed by the petitioner in his favour. He have never borrowed a sum of Rs. 13,00,000/- from the Respondent nor executed any such promissory note. He have specifically pleaded by the petitioner in the written statement that the said promissory note is a forged document. In order to establish the same, it is necessary to obtain an expert opinion regarding the signature found in the document. If this Hon'ble Court permits the promissory note to be sent to a handwriting expert/Forensic department along with the petitioner admitted contemporaneous signatures, he will be able to prove that the signature is not to the petitioner and thereby disprove the claim of the Respondent. No prejudice will be caused to the Respondent if this petition is allowed, whereas he will suffer irreparable loss if such permission is denied. He undertake to produce the petitioner's admitted signatures and bear the expert fees as directed by this Hon'ble Court. Hence this Hon'ble Court may be pleased to send the original promissory note dated 04.02.2024 for expert examination to ascertain whether the signature is genuine or forged.

Averments made in the Counter is filed by the respondent in brief is as follows:

3. The petitioner's petition is devoid of both legal and equitable merit. It is liable to be dismissed in limine. This petition has been filed with a malicious intent solely to harass the respondent unnecessarily and to delay the proceedings of the suit. Furthermore, as it has been filed under an absolute statutory provision, it is legally invalid. Given that the petitioner is capable of substantiating their case through both oral and documentary evidence, Seeking the appointment of a handwriting expert at this preliminary stage is both unnecessary and premature. The petitioner has filed this petition solely to evade the repayment of a debt, inclusive of interest, which they are obligated to discharge. Conversely, the respondent stands ready to prove through both witnesses and documentary evidence that the petitioner indeed affixed their signature

to the promissory note in question. Moreover, since the Court itself possesses the inherent power to compare signatures during the course of the trial, this petition is rendered superfluous. Hence this petition is liable to be dismissed.

4. No documents or oral evidence let by both sides.

5. Point for determination:

1. Whether this petition is allowed or not ?

Point No.1.

6. Both sides have been heard. The documents have been perused. In the petition filed on behalf of the petitioner, a prayer has been made seeking an order to send the disputed Promissory Note along with the current petitioner's specimen signature to a handwriting expert for comparison and to obtain a report thereon. The disputed Promissory Note is a document dated 04.02.2024. However, along with the present petition filed by the petitioner, no contemporaneous documents containing an admitted signature dated around 04.02.2024 the date of the disputed Promissory Note have been annexed or filed. In various rulings delivered by the Hon'ble High Court of Madras, it has been held that a comparison must be made between the signature on the disputed document and the signature on a contemporaneous, admitted document bearing a date proximate to that of the disputed document. Furthermore, it is only by comparing the signature on the disputed Promissory Note against such a contemporaneous, admitted document that the matter may be referred to a handwriting expert for examination and report. In light of these circumstances, this Court is of the opinion that the prayer contained in the petition filed by the petitioner seeking an order to refer the matter to a handwriting expert for the purpose of

comparing the signature on the disputed Promissory Note with the petitioner's specimen signature is not acceptable.

7. The argument advanced by the learned counsel for the respondents that the petitioner's present application is liable to be dismissed, given that legal avenues exist within the framework of the trial proceedings for this Court to compare the signature on the suit promissory note with another signature admitted by the petitioner is found to be acceptable. In light of the above discussion, and considering that the petitioner has failed to file any contemporaneous documents containing an admitted signature dated 04.02.2024 the date of the suit promissory note to facilitate a comparison by a handwriting expert. This Court holds that the relief sought by the petitioner namely, to obtain a handwriting expert's report by comparing the signature on the suit promissory note with the petitioner's current specimen signature is not a relief available to the petitioner.

In the result, this petition is dismissed without costs.

Dictated by me, directly typed by Stenographer into computer, corrected and pronounced by me in the open Court, this the 8th day of April, 2026.

**Additional District and Sessions Judge,
Periyakulam.**

Petitioner side Witnesses and Documents: Nil.

Respondent side Witnesses and Documents: Nil.

**Additional District and Sessions Judge,
Periyakulam.**

Fair: Order

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Additional District and
Sessions Court,
Periyakulam, Theni District.

Dated 08.04.2026.