

IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,
Subordinate Judge, Palladam

Friday of 12th September, 2025

IA No.2/2025
in
OS No.116/2021

N.Shanmugam

... Petitioner / Defendant

/Vs/

Eswaran

... Respondent / Plaintiff

This petition is coming on 05.08.2025 for final hearing before me in the presence of Thiru.K.Gopalakrishnan,B.A.,B.L., Advocate for the Petitioner and Thiru.A.Rajesh,B.Lit.,B.L., Advocate for the Respondent. Upon hearing both side argument, and all connected material records and having stood over till this day, for consideration, this court delivered the following..

ORDER

This application was filed by the Petitioner / Defendant under Order XVI Rule 1 of CPC to summon the Branch Manager, City Union Bank, Palladam Branch to produce the loan sanction letter dated 09.03.2017 pertaining to the Account No.099120000084864 before this court to compare the signature of Petitioner / Defendant.

2. The Learned counsel for the Petitioner / Defendant argued that the Respondent / Plaintiff filed this suit for the relief of Specific Performance

based upon an unregistered Sale Agreement dated 30.09.2020. But the signature found in the unregistered Sale Agreement dated 30.09.2020 was not the signature of the Petitioner / Defendant. Hence in order to prove such fact the Petitioner / Defendant moved an application in I.A.No.1/ 2023 to subject the unregistered Sale Agreement to compare the signature of Petitioner / Defendant. This court had allowed the application in I.A.No.1/2023 and appointed an Advocate Commissioner to carry out such process. While so, Government Handwriting and Fingerprint Expert Forensic Laboratory, Chennai had returned the unregistered Sale Agreement by stating that the report is returned for want of admitted signature document should be in the year of 2016 to 2019. Hence except loan sanction letter dated 09.03.2017 before Branch Manager, City Union Bank, Palladam branch in Account No.099120000084864 the Petitioner had no other admitted documents on his side pertaining to the year of 2016 to 2019. Hence this application.

3. Per Contra, the Learned Counsel for the Respondent / Plaintiff had not raised any serious objections over the same.

II. Now point for consideration is whether this petition is allowed?

4. Heard both sides. Perused Entire records. On careful perusal of records the main defense of the Petitioner / Defendant is that the signature found in the subjected unregistered Sale Agreement dated 30.09.2020 is not his own. Hence by taking note of such fact that this court had already allowed an application in I.A. No.1 / 2023 to compare the signature found in the subject unregistered Sale Agreement along with the admitted documents on the side of Petitioner / Defendant. Hence taking note of the fact that no other admitted documents available on the hand of Petitioner / Defendant except loan sanction letter dated 09.03.2017 with Branch Manager, City Union Bank Palladam Branch in Account

No.099120000084864 this court is of the considered view that this application is allowed and issued summons to the Branch Manager, City Union Bank, Palladam Branch to produce the certified copy of the loan sanction letter 09.03.2017 in Account No.099120000084864 to facilitate the disposal of the case.

With this observation, this application is allowed. No costs.

Dictated to the stenographer, transcribed and typed out by her, corrected and pronounced by me in open court this 12th September 2025.

Subordinate Judge,
Palladam.

Fair / Final Order

IA. 2/2025 in OS 116/2021

Date: 12.09.2025.