

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
TIRUVANNAMALAI.

PRESENT : Thiru.**P. Mathusuthanan**, B.A., B.L.,
Principal District Judge,
Tiruvannamalai

Wednesday, the 12th day of February- 2025

I.A.No.3/2024 in O.S.No.183/2021

Gayathiri		.. Petitioner/Plaintiff
	Vs	
Mageshwari		..Respondent/defendant

This Interlocutory Application has coming up before me for final hearing today (12.02.2025) and upon hearing the arguments of **Tr.M.Jayavel** Learned Advocate appearing for the Petitioner and **Tr.C.Asaithambi** , Learned Advocate appearing for the Respondent and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

ORDER

The petitioner/ plaintiff filed this petition under Section 151 of CPC to reopen the case.

2) Brief averments in the petition are as follows:

The petitioner is the plaintiff in the suit. The petitioner has filed the suit as against the respondent for recovery of amount covered under the suit pronote. In the above suit plaintiff side evidence has been closed. Since the defendant denied the signature as the forged and fabricated one, the petitioner was forced to file a petition to send for the documents from the Sub Registrar, Tiruvannamalai to compare the signatures.

In the above circumstance the plaintiff side evidence closed and the case is posted for the evidence of respondent. Since the petitioner has to prove the signature, he has to file the petition to send for the documents, hence the case in which the oral evidence has been closed and posted for respondent side evidence has to be reopened and a chance may be given to the petitioner to exhaust all the above legal acts to prove his case. Otherwise, he will be put to irreparable loss and hardship. Hence this petition.

3) Brief averments in the counter are as follows:-

The petition filed by the petitioner / plaintiff is vexatious and can only be seen as a ploy to delay the proceedings and has no merit. It is submitted that in the above said matter oral evidence of PW1 & 2 was oral evidence and cross examination of PW 1 & 2 was completed and closed and thereafter for defence side evidence the respondent filed petition under order 16 rule 1 for call for

witnesses. In the mean time while the respondents above petition is pending before this Hon'ble court in order to delay the further proceedings the present petition is filed by the petitioner.

It is submitted that the petitioner is trying to deflect proceeding by bringing out new story in this petition. It is submitted that the petitioner in Para-2 of the petition wrongly claim as if the defendant has stated in her written statement that the signature found in the suit pronote is not her signature and the same is forged and fabricated one and the petitioner further make a wrong statement in para 2 of her affidavit as if the defendant has denied the signature as forged and fabricated one and in para 2 of her affidavit as if the defendant has vehemently opposed and denied the signature on the pronote.

Only to prove the above stated denials the present petition is filed to call for the documents to match the signatures. It is submitted that the respondent nowhere in the written statement nor during cross examination questioned about the signature in the suit pronote but it is the defense of the respondent that she never borrowed any loan form the plaintiff and she never executed any pronote in favour of the plaintiff in the presence of so called attestor or scribe.

It is submitted that while the respondent did not raise any specific question with respect to the signature on the pronote, the petitioner has filed the present petition is devoid of merit. The petitioner has filed the petition with

totally irrelevant, baseless and false stories and the respondent vehemently denies and objects the petition and the respondent further states that the petitioner has come up with these new imaginary stories only to divert this Hon'ble court and delay the case from being disposed earlier and more specifically to delay the earlier disposal of the petition under O16 R 1 filed by the respondent to call for the witnesses. In order to avoid the case being disposed of by this Hon'ble court, the petitioner is resorting to delaying tactics by filing the present petition. In the above circumstances the present petition is neither just and necessary nor relevant at the present situation of the case. Hence, requested to dismiss the petition.

4) **Point that arises for consideration in this Petition is that**

Whether this petition is to be allowed as sought for?

5) Point: The learned counsel appearing for the petitioner would submit that since the respondent herein has denied the signature found in the pronote as forged one, he wants to prove the said signature of the defendant with admitted signature of the respondent, hence he argued for allowing the petition to reopen the case which is pending for defendant side evidence to enabling the petitioner to adduce further evidence to substantiate his case, to proving the signature of the respondent found in the Ex.A1 Pronote.

6) **Per contra**, the learned counsel appearing for the respondent would submit that since the signature of the respondent found in the pronote was not questioned by the respondent throughout the written statement, the comparison of signature with admitted signature of the respondent in any other document is nothing but unnecessary exercise and drag on the proceedings, hence he argued for dismissal of the petition.

7) **Heard. Perused the records.**

8) Having considered the reason setout in the petition and the submission of the learned counsel appearing for the petitioner to prove his case in effective manner by comparing the signature found in the Ex.A1 with admitted signature of the respondent and also to ensure fair chance to be given to the petitioner, this court is inclined to allow this petition and thus the point is answered accordingly.

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

This Order is dictated by me to the Stenographer Grade-I of this Court, transcribed by her in Computer, corrected and pronounced by me in open court, this the 12th day of February- 2025.

**Principal District Judge,
Tiruvannamalai.**