

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
VIRUDHUNAGAR**

Present : Thiru. **T.V.Hemanandakumar, B.A.,LL.M.,**

Additional District Judge, Virudhunagar

Monday, the 20th day of January, 2025

IA No.04/2024 in

IA No.02/2024 in

OS.No.67/2021

1. Loganathan.

2. Nagarani.

- Petitioners/Petitioners/
Defendants

/Vs/

S.Palanichamy

- Respondent/Respondent/
Plaintiff

This petition came up on 07.01.2025 for final hearing before me in the presence of Thiru.M.Michael Bharathi, Learned advocate appeared for the petitioners/defendants, Thiru.P.R.Marichamy, Learned advocate appeared for the respondent and upon considering all material records in this case and hearing arguments on both sides and having stood over till this day for consideration and this court doth deliver the following

ORDER

The petition is filed by the petitioners/defendants to set aside the order of this court in IA No.2/2023 dated 21.11.2024.

2) It is alleged in the affidavit that the petitioners, who are the defendants in the suit, contesting that the signatures in the alleged Ex.A1 Promissory note are not the signatures of petitioners/defendants. So, for the purpose of comparing their signatures with the signature in the pronote, contemporary documents are necessary. The petitioners filed petition for directing one Pandiselvi to produce some documents before this court. It was allowed and since said Pandiselvi did not produce documents, this court ordered to issue warrant of arrest against said witness on 14.11.2024. The 1st petitioner has gone out of station in connection with his job and

so he could not pay necessary batta. Hence on 21.11.2024, this court closed that petition in IA.No.2/2023. Hence, the order dated 21.11.2024 may be set aside and warrant has to be issued against the witness.

3) The respondent/plaintiff filed counter contending that the contention in the written statement are false. The petitioners already filed IA1/2023 and IA2/2023 to delay the proceedings in this case. The petitioners' counsel did not appear before the court for about 2 years. To compare the signatures, the petitioners have not produced any contemporaneous signatures. The respondent is not aware of the fact when IA 2/2023 was allowed as it was not reflected in B diary and hence this petition has to be dismissed.

4) There is no oral or documentary evidence on both sides.

5) The point for consideration is whether the petition deserves to be allowed?

6) Heard and documents perused.

7) **Point:**

This petition is filed by the petitioners/defendants to set aside the order of this court passed in IA 01/2023 on 21.11.2024 and to issue warrant against the witness Pandiselvi. The petitioners are the defendants in this case. They filed IA1/2023 for sending Ex.A1 promissory note for examination by handwriting expert along with admitted signatures of this petitioners. The petitioners also filed IA No.2/2023 to summon one Pandiselvi to produce copy of sale deed executed by the 2nd petitioner Nagarani in her favour. I.A.No.2/2023 was allowed by this court on 24.09.2024 and summon was issued to said Pandiselvi to produce the sale deed. But on 14.11.2024 said Pandiselvi did not appear before this court and hence this court ordered to issue warrant of arrest and directed the petitioners to pay batta withing two days. But the petitioners did not pay batta and hence, this case was posted for further proceeding in IA No.1/2023.

8) The petitioners/defendants are contesting the case on the ground that the signatures in the pronote in question are not their signatures and they want to prove it by comparing the signatures with admitted signatures through handwriting expert. Already this court held in IA.2/2023 that production of sale deed executed by the 2nd petitioner Nagarani in favour of Pandiselvi is necessary for comparison of signatures and only because of this petitioners did not pay batta in time, the case was further proceeded. So, for the purpose of deciding IA.1/2023 for comparison of signatures, contemporaneous signatures are necessary and hence this court is of the view that one more opportunity has to be given to the petitioners to issue warrant against Pandiselvi to produce the document. Hence, this petition has to be allowed.

8) In the result, this petition is allowed. No order as to cost.

Dictated to the steno-typist, typed by her, corrected and pronounced by me in open court, on this the 20th day of January, 2025.

(Sd.) T.V.Hemanandakumar,
Additional District Judge,
Virudhunagar.

Witness and Exhibits on the side of the Petitioners:

Nil.

Witness and Exhibits on the side of the Respondent:

Nil.

(Sd.) T.V.Hemanandakumar,
Additional District Judge,
Virudhunagar.