

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

Present : Thiru. **T.V.Hemanandakumar, B.A.,L.L.M.,**
Additional District Judge, Virudhunagar
(Full Additional Charge)

Tuesday, the 24th day of September, 2024

IA No.2/2023 and
IA No.3/2023 in
OS.No.67/2021

IA No.2/2023

1. Loganathan.

2. Nagarani ... Petitioners/Defendants.

//Vs//

S.Palanichamy ... Respondent/Plaintiff.

IA No.3/2023

1. Loganathan.

2. Nagarani ... Petitioners/Defendants.

//Vs//

S.Palanichamy ... Respondent/Plaintiff.

These two petitions came up on 03.09.2024 for final hearing before me, in the presence of Thiru.M.MichaelBharath, advocate for the petitioners/defendants and Thiru.P.R.Marichamy, advocate for the respondent/plaintiff in both petitions and hearing the arguments on both sides and upon perusing all material records in this case and having stood over for consideration till this day, this court doth deliver the following

COMMON ORDER

The petition in IA.No.2/2023 is filed by the petitioners/defendants under Order 16 Rule 15 and Section 151 CPC directing one Pandiselvi, W/o Vinothkumar to produce original document No.4443/2021.

2) The petition in IA.No.3/2023 is filed under Rule 75 of Rules of Practice to send for some documents from Special Tahsildar, Railway land acquisition, Kooraikundu, Virudhunagar.

3) It is the averments in the petition in IA.2/2023 that the petitioners are the defendants in the suit. The plaintiff has filed the suit on the basis of Pronote. The petitioners are contending that the signatures in the Pronote are not the signatures of the petitioners. So, the petitioners filed application to compare the signatures with contemporaneous documents. The 2nd petitioner has executed a sale deed in favour of one Pandiselvi, W/o Vinothkumar residing in door No.5-29-28, Theerthakarai Nagar, Palaiyampatti, Aruppukottai Taluk, Virudhunagar District as document No.4443/2021 on 03.08.2021. Hence this petition.

4) It is the averments in the petition in IA.3/2023 that the 1st petitioner was working as a Tahsildar in Sivakasi Taluk Office and in the year 2021 he was working as Tahsildar in land acquisition for Railway and his signatures are available in salary slip (சம்பள பட்டியல்) and proposal for land acquisition. Hence those document may also be send for to this court.

5) The respondent in I.A.No.2/2024 filed counter contending that the averment that this court has allowed IA.No.1/2023 for expert opinion is false statement and it amounts to contempt of court.

6) The respondent in I.A.No.3/2024 filed counter contending that this petition is pre-matured and not maintainable. The petitioners have to produce contemporaneous signatures. There is every chance of the 1st petitioner/1st defendant affixing a different signature during the relevant period willfully since he is aware of the signature in the pronote in custody.

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

8) The point for consideration is whether the above said petitions deserve to be allowed?

9) Heard and documents perused.

10) **Point:**

These petitions are filed by the petitioners/defendants to send for documents for the purpose of comparing the alleged signatures in the pronote. The suit was filed by the respondent/plaintiff on the basis of the Pronote. This petitioners filed I.A.No.1/2023 seeking expert opinion regarding the signatures in the alleged pronote and that petition was allowed and signatures in the pronote in question has to be compared with contemporaneous signatures. Only if contemporaneous signatures are available, the pronote in question can be sent to the expert.

11) Here, it is the averment in the petition that contemporaneous signatures of the 1st petitioner is available in the land acquisition for Railway Tahsildar office, Kooraikundu, Virudhunagar, where he had worked and the signature of the 2nd petitioner is available in the sale deed, which is executed by the 2nd petitioner in favour of Pandiselvi, W/o Vinothkumar as document No.4443/2021. So those documents are contemporaneous with alleged pronote and in the interest of justice, this court is of the view that those documents have to be send for to this court. Hence, both petitions are liable to be allowed.

12) **IA No.2/2023**

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

13) **IA No.3/2023**

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 24th day of September, 2024.

Additional District Judge,
Virudhunagar.
(Full Additional Charge)

Witness and Exhibits on the side of the Petitioners:

Nil.

Witness and Exhibits on the side of the Respondent:

Nil.

Additional District Judge,
Virudhunagar.
(Full Additional Charge)