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SA NO. 343 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25-04-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA NO. 343 of 2025

and

CMP.No.10490 of 2025

S. Nallathambi
S/o.sellamuthu, Valikandapuram Village and
Post, Veppanthattai Taluk, Perambalur District

Appellant(s)

Vs

Khader Shareef (died) 1. M.Kathoon Be
W/o.Khader Shareef, res at No.91/30A,
V.Kovilpillai Colony, 7th Cross Street,
Mahaboob Palayam, Madurai and 4 Others

Respondent(s)

For Appellant(s):

T. Saikrishnan

For Respondent(s):

ORDER

Challenging the concurrent findings of the Courts below, the defendant has preferred this appeal.

2. The appeal has been admitted on the following substantial questions of law:

“a. Whether the Courts below erred in law by drawing a presumption under Section 118 of the Negotiable Instruments Act despite the defendant specifically denying execution of the promissory note?

b. Whether the burden of proof was wrongly placed on the defendant, contrary to settled legal principles, once the execution and consideration were disputed and attesting witnesses were close relatives?



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c. Whether the Courts below ought to have referred the disputed signature in the promissory note for expert examination under Section 45 of the Indian Evidence Act, especially when forgery was alleged?"

3. Notice to the respondents, returnable by 17.07.2025.
4. List the appeal for hearing on 17.07.2025.
5. Till then, the operation of the decree is ordered to be stayed.

25.04.2025

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To

- 1.The Subordinate Judge, Perambalur.
- 2.The Principal District Judge, Perambalur.

T.V.THAMILSELVI, J.



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