

A.No.4571 of 2015
in
C.S.No.657 of 2010

G.CHOCKALINGAM, J.

This application has been filed by the applicant/plaintiff to appoint a Finger Print Expert of Forensic Department to take photographs of left thumb impression of the applicant in the Register of Thumb Impression relating to Document No.1644 of 1969 in Sub-Registrar Office, Sembium, for comparing it with the left thumb impression of the applicant and after comparison, submit a report to this Court in the above suit in C.S.No.657 of 2010.

2. Learned counsel for the applicant/plaintiff contended that the applicant/plaintiff never went to the Sub-Registrar Office, Sembium, to execute the alleged Release Deed dated 08.05.1969 and if the left thumb impression of the applicant/plaintiff is not compared with the left thumb impression maintained in the Sub-Registrar Office, the applicant/plaintiff would be put to irreparable loss and hardship and hence, the learned counsel prayed that this application may be allowed.

3. Per contra, the learned counsel for the respondents/defendants contended that originally, at the request of

the applicant/plaintiff, the left thumb impression found in the Release Deed was compared with the left thumb impression of the applicant/plaintiff and after comparison, a report was received and the said report is available in the bundle. The said report has not supported the case of the applicant/plaintiff. But, the applicant/plaintiff has now come forward with this application only to drag on the proceedings and hence, the learned counsel for the respondents/defendants prayed that this application may be dismissed.

4. This Court heard the arguments of both sides and also perused the entire case records. On verification of the case records, it is seen that the left thumb impression of the applicant/plaintiff was sent for comparison along with the original left thumb impression in the Release Deed and after comparison, the concerned Authority sent a report to this Court and the said report is available in the case records.

5. On a perusal of the copy of the Release Deed, it is seen that there was only one thumb impression available in the Release Deed and that thumb impression was affixed before the Sub-Registrar, Sembium on 08.05.1969 between 11 am and 12 noon. Hence, the thumb impression affixed by the applicant/plaintiff

before the Sub-Registrar, Sembium, at the time of registration of document is not disputed. After receiving the report from the Forensic Department alone, the applicant/plaintiff came forward with the false allegation that she has never gone to the Sub-Registrar Office and affixed thumb impression for registration of document. Since already the thumb impression affixed before the Sub-Registrar Office was available, that thumb impression was compared with the original thumb impression of the applicant/plaintiff and now the request for comparison of his thumb impression with another thumb impression is nothing but only to drag on the proceedings. Hence, the argument of the learned counsel for the respondents defendants that this application is filed only to drag on the proceedings is acceptable one.

6. In view of the above facts and circumstances of the case and that already, a report sent by the Forensic Department comparing the left thumb impression of the applicant/plaintiff with the original thumb impression affixed before the Sub-Registrar Office is available, this application is unnecessary. Hence, this Court is of the considered view that this application is not at all maintainable and the same is liable to be dismissed. Accordingly, this application is dismissed.

Jrl

06.11.2015

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G.CHOCKALINGAM, J.

Jrl

**Pre-Delivery order in
A.No.4571 of 2015
in
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(1/2)