

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.2133 of 2015
and M.P.No.1 of 2015

Nagarajan

... Petitioner

Vs.

1.Ramasamy Nainar

2.The District Registrar,
District Registrar Office,
Thiruvannamalai.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the Subordinate Court, Arni, dated 31.03.2015 in I.A.No.236 of 2014 in O.S.No.28 of 2008.

For Petitioner : Mr.A.Bharathi

ORDER

Challenging the fair and decreetal order passed in I.A.No.236 of 2014 in O.S.No.28 of 2008 on the file of the Subordinate Court, Arni, the 1st defendant has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.28 of 2008 for declaration, permanent injunction and for other reliefs. The plaintiff relied upon a Will dated 02.07.1991 and disputed the Will executed by the very same testator on 16.10.1996. The 1st defendant is disputing the execution of 1991 Will and contended that the 2nd Will executed by the testator in the year 1996 is true and genuine document. The 1st defendant filed an application in I.A.No.236 of 2014 under Rule 76 of the Civil Rules of Practice to send for the documents viz., the original Will dated 02.07.1991 and original thumb impression from the Registration Department pertaining to the Will dated 02.07.1991 for comparison. The application was opposed by the plaintiff. The trial Court dismissed the application.

3.On a perusal of the Will dated 16.10.1996, it is clear that the testator himself had admitted the execution of the Will dated 02.07.1991. As already stated, the 1st defendant is relying upon the Will dated 16.10.1996. When the testator himself had admitted the execution of the Will dated 02.07.1991, the comparison of the thumb impression found in the disputed Will does not arise. The trial Court has rightly dismissed the application.

4. In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

15.06.2015

To

The Subordinate Court,
Arni.

M.DURAIWAMY,J.
va

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