



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2015
CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

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C.R.P. (MD).Nos.599 and 600 of 2014 (PD)

1.Kali @ Kalikumar
2.Sivamanikandan
3.Maheshkumar

.. Revision Petitioners in both C.R.Ps/
Petitioner/Plaintiff

vs.

Radhamani @ Mani

... Respondent in both C.R.Ps/
Respondent/Defendant

COMMON PRAYER: The Civil Revision Petitions filed under Article 227 of the Constitution of India, to allow this C.R.P by setting aside the order and decree made in I.A.Nos.390 and 391 of 2013 in O.S.No.195 of 2010 dated 10.01.2014 on the file of the Additional District Munsif Court, Sankarankovil.

For Petitioners : Mr.M.Thirunavukkarasu
in both C.R.Ps
For Respondent : Mr.F.X.Eugene
in both C.R.Ps

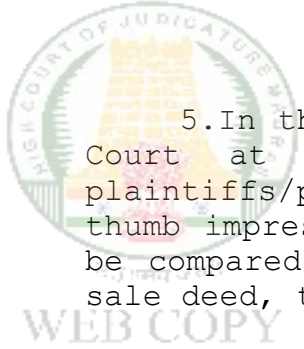
C O M M O N O R D E R

The plaintiffs in O.S.No.195 of 2010 on the file of the Additional District Munsif Court, Sankarankovil, are the revision petitioners.

2.There are two revisions. The application in I.A.No.390 of 2013 is filed by the plaintiff to summon the thumb impression register with respect to the document No.32 of 1987 dated 28.12.1987 in the custody of the Sub Registrar Office, Sankarankovil. The another application in I.A.No.391 of 2013 is filed by the plaintiff to summon the thumb impression register with respect of the document No.32 of 1987 dated 28.12.1987.

3.Both the applications were dismissed by the trial Court. Aggrieved by the same, the above two revisions are filed before this Court.

4.The learned counsel for the petitioners submits that there is a mistake in the prayer in both the I.As, as the prayer in both the applications are one and the same. However, it is submitted by the petitioners that the original of the Will, which is now found out. Therefore, the summoning of the document is not necessary. The document being a Will, it has to be proved in the manner known to law. Therefore, the petitioners want the document to be sent to an expert to be compared with the admitted thumb impression and the signature in the sale deed.



5. In the above said applications, the same cannot be granted by this Court at this point of time. However, it is open to the plaintiffs/petitioners to take out an appropriate application to send the thumb impression and the signature found in the Will dated 28.12.1987 to be compared with the admitted thumb impression and the signature in the sale deed, to an expert for the purpose of proving the same.

With the above observation, the civil revision petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

The Additional District Munsif Court,
Sankarankovil.

+1cc to MR.M.THIRUNAVUKKARASAU, ADVOCATE SR.NO.15517

+1CC TO MR.F.X.EUGENE, ADVOCATE SR.NO.15377

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