

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

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THE HONOURABLE **MR.JUSTICE C.T.SELVAM**

CRP.PD.No.2297 of 2016
and CMP.No.11898 of 2016

Adhilakshmi

.. Petitioner

Vs

1.M.Sundaram
2.M.Manickam (died)
3.M.Saraswathi
4.M.Ramamoorthy
5.Ravi
6.M.Elango
7.M.Ponnarasu
8.Shanmugavel
9.M.Ramu

.. Respondents

PRAYER : This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 07.03.2016 passed in IA.No.1771 of 2015 in OS.No.89 of 1998 on the file of the District Munsif, Ponneri thereby allowing the same with costs.

For Petitioner : Mr.R.Krishnaswamy

ORDER

This revision has been filed challenging the order of learned District Munsif, Ponneri, passed in IA.No.1771 of 2015 in OS.No.89 of 1998 on 07.03.2016.

2. Petitioner/plaintiff has filed O.S.No.89 of 1998 on the file of learned District Munsif, Ponneri, seeking declaration and permanent injunction. Therein, petitioner/plaintiff moved IA.No.1771 of 2015, alleging that thumb impression of her mother in the sale deed dated 22.05.1973, is a forgery and sought appointment of an Advocate Commissioner towards forwarding the document to Forensic Department, Finger Print Expert, Mylapore, Chennai, for expert opinion. The Court below, under the impugned order dismissed such application. Hence, this revision.

3. Heard learned counsel for petitioner.

4. As reason for imposing costs, this Court need do no more than merely incorporate paragraphs 9 and 10 of the order of the Court below :-

9.Originally the suit was filed on 24.04.1998 by the petitioners and written statement filed on 30.07.2000 by the respondents. On 29.07.2004, the above said case was posted in the list and at that time the petitioner got adjournment till 13.10.2004 and filed petition to receive the rejoinder/reply statement and the above said petition was allowed on 15.02.2005 and thereafter the respondents also filed by the additional written statement on

27.04.2005. From 27.04.2005 the case was pending till 15.06.2005 for filing proof affidavit of PW1. As the plaintiff was called absent on 15.06.2005 the case was dismissed for default on that day. Again on 13.01.2015 the suit was restored and as the 2nd defendant died steps has been ordered and legal heirs of deceased were brought on record and from 29.10.2015 it has been adjourned for filing proof affidavit of PW1. On 20.11.2015 instead of filing the proof affidavit, the petitioner has come forward with the present petition to compare the thumb impression of petitioner's mother Kuppammal in the sale deed dated 22.05.1973 with that of the settlement deed executed by Kuppammal on 27.10.1993 in favour of the petitioner.

10. The main contention alleged by the petitioner is that the thumb impression in the sale deed dated 22.05.1973 is the forged and not genuine one and it has been created by the respondents. At the time of filing of the written statement itself the respondents categorically denied that the thumb impression in the sale deed is the genuine one and it is the thumb impression of the Kuppammal. Therefore, the question of genuineness of the thumb impression has been stated in the year of 19998 itself. Even the respondent at the time of filing written statement to the reply statement has also stated that the document is the genuine one and thumb impression is not a forged one."

C.T.SELVAM., J.
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5.The civil revision petition stands dismissed, with cost of Rs.5,000/- payable to the Tamil Nadu State Legal Services Authority, Chennai, within a period of two weeks from today. Consequently, connected miscellaneous petition is closed. No costs.

02.08.2016.

Index: Yes / No
Internet:Yes / No
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To
The District Munsif, Ponneri

Note : Issue copy on 05.08.2016.

CRP.PD.No.2297 of 2016.