

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3795 of 2016
and C.M.P.No.19403 of 2016

Dhanalakshmi

... Petitioner

Vs.

A.K.Srinivasan (Died)

1. Janaki
2. Balakrishnan
3. Thirumalaisamy
4. Santhamani
5. Karuppusamy

... Respondents

PRAYER: Civil Revision Petition filed against the fair under Article 227 of the Constitution of India against the fair and decretal order dated 29.08.2016 made in I.A.No.295(A) of 2015 in O.S.No.936 of 1997 on the file of the II Additional District Munsif Court, Coimbatore.

For Petitioner : Mr.S.Mukunth
For Respondents : Mr.P.Saravana Sowmiyan

ORDER

This Civil Revision Petition is directed against an order directing the revision petitioner to give the left thumb impression to be compared with the sale deed dated 26.03.1980 and registered as document No.1911 of 1980.

2. The same is resisted by the revision petitioner that the sale deed was not accepted by the respondents. Besides, only the certified copy of the sale deed has been produced before this Court and the original was not marked in the suit. However, the learned trial Judge has allowed the application, directing the revision petitioner to appear before the Court to give the left thumb impression to be compared with the same found on the sale deed dated 26.03.1980.

3. Admittedly, the suit is posted for arguments after the trial was over. The only objection of the learned counsel for the revision petitioner is that when the original document is not marked before the Court, the comparison of the thumb impression cannot be allowed to be done with the certified copy. However, it is stated that he has got no serious objection for the respondents to reopen the case and recall the witness to mark the original document, which is admittedly filed along with the interlocutory application.

4. Learned counsel for the respondents has also got no serious objection.

5. Accordingly, this Civil Revision is disposed of with liberty to the respondents to file an application to reopen, recall and mark the sale deed dated 26.03.1980, after which, the same may be sent to the Forensic Department for comparison of the left thumb impression that may be taken from the petitioner/plaintiff. No costs. Consequently, connected miscellaneous petition is closed.

07.12.2016

Index : Yes/No

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To

The II Additional District Munsif Court,
Coimbatore.

PUSHPA SATHYANARAYANA.J

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