

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

O.S.A. No.194 of 2016
and C.M.P.No.14756 of 2016

T.Savithri

.. Appellant

-vs-

1.Srinivasan
2.Nandhagopal
3.S.Srinivasan
4.Subbulakshmi
5.S.Ramamoorthy
6.S.Lakshman
7.S.Srinivasan
8.Venkateshwari

.. Respondents

Appeal filed under Order XXXVI Rule 9 of O.S. Rules read with Clause 15 of the Letters Patent against the order dated 06.11.2015 made in A.No.4571 of 2015 in C.S.No.657 of 2010 on the file of original side of this Court.

For Appellant : Mr.S.Rajendrakumar

For Respondents : Mr.K.V.Sundararajan,
for RR4 to 8.

For Respondent 1 to 3: No appearance

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

A document executed in 1969 is sought to be assailed in a suit filed in the year 2010 by the appellant / plaintiff allegedly on the ground that it was never executed. The impugned order dated 06.11.2015 rejects the request of the appellant to get the appellant's thumb impression compared with the thumb impression existing in the register in the Sub-

Registrar's office. This application has been dismissed by the learned Single Judge on the ground that there is material on record already to show that the document in question bears the thumb impression of the appellant, a comparison was made of the thumb impression and that report is on record. The learned Single Judge, thus, rightly opined that now the appellant wants another chance by seeking to raise the issue of comparison of the thumb impression in the Sub-Registrar's office alleging that she was never present.

2.We find no palpable infirmity in the impugned order apart from the fact that the Court trying the suit should be master of all these matters.

3.Original Side Appeal, thus, stands dismissed. No costs. Consequently, C.M.P.No.14756 of 2016 is also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

The Sub Assistant Registrar,
Original Side, Madras High Court,
Chennai.

सत्यमेव जयते

O.S.A.No.194 of 2016

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