



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2016

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**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.R.P. (MD) .No.688 of 2016(PD)

A.Subbulakshmi ... Petitioner/9th Petitioner/  
9th plaintiff  
Vs.

1.Thavamani ...1st Respondent/Respondent/Defendant

2.Seenivasan

3.Ravindran

4.Subramanian

5.Govindarajan

6.Dhanapakiam

7.A.Sekar

8.A.Raja

9.A.Veeraraj

10.N.Venkatraman

(The respondents 2 to 10/plaintiffs 1 to 8 &10 are hereby  
given by in this civil revision petition)

... Respondents 2 to 10/  
Petitioners 1 to 8 &  
10/plaintiff 1 to 8 & 10

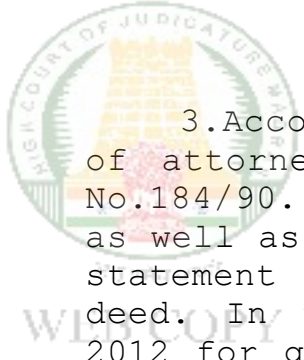
Civil Revision Petition is filed under Article 227 of the  
Constitution of India, against the fair and executable order dated  
21.02.2013 passed in the application in I.A.No.477 of 2012 in  
O.s.No.120 of 2012 by the Principal District Munsif cum Judicial  
Magistrate, Karaikudi.

For Petitioner :M/s.Dhana Law Associates

### **ORDER**

This civil revision petition has been filed to set aside the  
order dated 21.02.2013 passed in the application in I.A.No.477 of  
2012 in O.s.No.120 of 2012 by the Principal District Munsif cum  
Judicial Magistrate, Karaikudi.

2.The petitioner is 9<sup>th</sup> plaintiff and the respondent is sole  
defendant. The petitioner along with others filed suit in  
O.S.No.120 of 2012 for declaration and injunction based on the  
sale deeds and revenue records.



3. According to the petitioner, the respondent executed a power of attorney dated 13.06.1990, which was registered as document No.184/90. In the said document, the respondent put her signature as well as her left thumb impression. The respondent filed written statement and denied the execution of power of attorney and sale deed. In the circumstances, the petitioner filed I.A.No.477 of 2012 for getting opinion with regard to the left thumb impression of the respondent in the open Court and send the same for comparison with the thumb impression found in power of attorney dated 13.06.1990 registered as document No.184/90. The petitioner also prayed for comparison of signature found in power of attorney with the signature in summons, vakalath and written statement of the respondent. The respondent opposed the same.

4. The learned Judge considering the facts of the case and materials on record, partly allowed the said application directing the respondents to put her left thumb impression in the open Court to be sent for opinion from the hand writing expert with regard to the thumb impression found in power of attorney. The learned Judge rejected the relief sought for by the petitioner to compare the signature found in power of attorney with the signature found in summons, vakalath and written statement. Again the said order of partly rejecting the application, the petitioner filed the present Civil Revision Petition.

5. The learned counsel for the petitioner reiterated the various contentions made in the grounds of revision. all these contentions are untenable, in view of the facts that the only signature of contemporary document can be compared to obtain opinion with regard to the disputed signature. In the present case, the petitioner is seeking to compare the signature found in power of attorney dated 13.06.1990 with the summons, vakalath and written statement, which was signed in the year 2014. The learned Judge has rightly appreciated the settled law and partly dismissed the application. There is no infirmity or illegality in the order passed by the learned Principal District Munsif cum Judicial Magistrate, Karaikudi.

In the result, the Civil Revision Petition is dismissed. No costs.

Sd/

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

The Principal District Munsif cum Judicial Magistrate, Karaikudi.