

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CRP (PD) Nos.1269 to 1276 of 2017

(8 CRP's)

and

CMP.Nos.5945 to 5952 of 2017

CRP (PD) No.1269 of 2017

1. M.Saroja
2. M.Ravisankar
3. M.Anantharaman
4. B.Vijayalakshmi
Petitioners

..

Vs.

1. M.Chellappa
2. M.Balasubramanian

... respondents

Prayer : Revision Petition is filed under Article 227 of the Constitution of India, against the order and decree dated 14.09.2016 made in I.A.No.17523 of 2014 in O.S.No.6685 of 2013 on the file of the XVII Assistant City Civil Court, Chennai.

For Petitioner : Mr.V.G.Sureshkumar
(in all CRP's)

COMMON ORDER

Since, the issue involved in all these Civil Revision Petitions are one and the same, all these Civil Revision Petitions are disposed by this

common order.

2. The petitioners are the defendants 1, 3, 4, and 5, the first respondent is the plaintiff and the second respondent is the second defendant in O.S.Nos.6685, 6686, 6687 and 6688 of 3013.

3. The suit in O.S.Nos.6685 to 6688 2013 have been filed seeking for declaration declaring that the settlement deeds dated 31.03.2003 and 19.09.2002, executed by the 1st defendant to and infavour of the petitioner/ 5th defendant herein is null and void and not binding upon the plaintiff herein in so far as the plaintiff's undivided 1/6th share of the suit property.

4. According to the first respondent/plaintiff, the first petitioner/first defendant who is the mother of the petitioners 2 to 4 did not execute the settlement deeds, in respect of the suit properties. Her signature and thumb impression were forged.

5. The first defendant contested the suits by filing written statement in May 2014 and the same was adopted by defendants 3 to 5.

6. The first respondent filed two interlocutory applications in each suit in i.e. I.A.Nos.17536 to 17523 of 2014 (in O.S.No.6685 of 2015), I.A.Nos. 17533 and 17534 of 2014 (in O.S.No.6686 of 2013),

I.A.Nos.17525 and 17535 of 2014 (in O.S.No.6687 of 2017) I.A.Nos.17531 and 17532 of 2014 (O.S.No.6688 of 2013) for a direction to the concerned sub Registrars to produce the thumb impression Registers pertaining to the settlement deeds dated 31.03.2003 and 19.09.2002 and also to send the disputed settlement deeds dated 19.09.2002 and 31.03.2003 along with the thumb impression Registers, pertaining the suit settlement deeds and the admitted signature and thumb impression of the 1st respondent/1st defendant for the opinion of finger print and handwriting expert by appointing a commission.

6. A counter affidavit has been filed by the first respondent denying the averments made by the first respondent/plaintiff stating that the first petitioner had only executed settlement deed and the signature and thumb impression in the settlement deeds are that of the first petitioner.

7. The learned Judge on considering the averments made in the applications and also in the counter affidavits as well as considering the submissions made on behalf of the parties has allowed the applications by the order dated 06.04.2017.

8. Aggrieved against the same, the present Civil Revision Petitions have been filed.

9. Heard the learned counsel for the petitioners and perused the materials on record.

10. The first respondent is one of the sons of the first petitioner. According to the first respondent, he has 1/6th share in the suit properties. Whereas, the petitioners claimed that the first petitioner is absolute owner of the suit properties and she executed the settlement deed in favour of the petitioners 2 to 4. But, the first respondent has come out with the case that the signature and the thumb impression in the settlement deeds are not that of the first petitioner and they are forged and created by the petitioners 2 to 4.

11. In view of the said doubt having been created, to ascertain as to whether signature and thumb impression of the first respondent in the settlement deeds were that of the first petitioner and also in order to decide the question, the learned Judge has appointed Advocate Commissioner to get opinion from the hand writing expert and thereby allowed all the applications. It is well settled that opinion of the expert is not final . It is only to assist the Court to arrive at a finding with regard to genuineness of the signature and thumb impression.

12. In view of the reasonings given by the learned Judge in allowing the three applications, I hold that there is no irregularity or

illegality in the order of the learned Judge.

13. The learned counsel for the petitioners submitted that the first respondent has not produced any admitted signature.

14. Therefore the learned Judge is directed to issue a direction to the first petitioner/first defendant to appear before the Court below to put her signature and thumb impression in his presence and send the admitted signature to be compared with the disputed signature.

15. In the result, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.04.2017

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To

XVII Assistant City Civil Court, Chennai

V.M.VELUMANI, J

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