

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

O.S.A.No.219 of 2017
and C.M.P.No.15063 of 2017

1. Mrs.S.Bhuvaneswari
2. Mrs.D.Anusuya
3. Mrs.S.Balakujambal ... Appellants

Vs.

1. Mr.J.Soundararajan (Deceased)
2. Mr.J.Thiruvengadam
3. Mr.J.Shanmugam (Deceased)
4. Mr.J.Dhanasekaran
5. Mr.J.Bhuvanendran
6. Mrs.J.Parvathy (Deceased)
7. Mrs.J.Jayanthi
8. Mrs.J.Bharathi
9. Mr.J.Gnanaprakasam
10. Mrs.J.Revathy ... Respondents

Original Side Appeal has been filed under order XXXVI Rule 9 of O.S.Rules read with clause 15 of letters patent, praying to set aside the impugned order dated 11-07-2017 in Application No.4828 of 2015 in C.S.No.255 of 2003.

For Appellants: Mr.S.Sivakumar
Party in Person

JUDGMENT

(Judgment of the Court was made by RAJIV SHAKDER, J)

1. This is an appeal preferred against the impugned judgement and order dated 11.07.2017, passed by the learned Single Judge. By virtue of the impugned judgement and order, the application being: A.No.4828 of 2015 has been dismissed.

2. The appellants/the original plaintiffs, who are represented by their power agent, one, Mr.S.Sivakumar, had filed the application for having an enquiry held based on the assertion that the signatures of defendant No.9, i.e., one, Mr.Gnanaprakasam, on the adoption memo were forged.

2.1. To be noted, the adoption memo, which is dated 24.07.2008 was signed by defendant Nos.7 to 10, whereby they adopted the written statement filed by the defendant No.6, one, Mrs.J.Parvathy, who has since then expired.

3. The record shows that in response to the application, the defendant No.9, filed a counter affidavit claiming the signature appended on the adoption memo was his signature. The learned Single Judge, taking into account this fact, as well as the fact that over a period of time the signature of defendant No.9, may have changed, dismissed the application.

4. The appellant Mr.Sivakumar, who appears for the appellants, says that the order is erroneous.

5. We perused the records and the reasoning of the learned Single Judge, according to us, there is no error in the order and the approach adopted by the learned Single Judge. Accordingly, this appeal is dismissed. Consequently, the connected pending application shall stand closed. There shall, however, be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raja/vsm

TO

The Sub Assistant Registrar,
(Original Side)
High Court, Madras.

+2 ccs to Mr. S. Sivakumar, Advocate Sr.63935

O.S.A.No.219 of 2017

BR(CO)
EU(10/10/2017)