

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.910 of 2017
and C.M.P.No.4474 of 2017

1.Poongodi

2.Thavamani

... Petitioners

Vs.

1.Muthusamy

2.Rajakumaran

3.Palaniammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.01.2017 made in I.A.No.1001 of 2016 in O.S.No.150 of 2011 on the file of the Subordinate Court, Attur.

For Petitioners : Mr.P.Sivakumar

ORDER

Challenging the fair and final order passed in I.A.No.1001 of 2016 in O.S.No.150 of 2011 on the file of the Subordinate Court, Attur, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.150 of 2011 for declaration, partition and injunction.

3.The defendants filed their written statement and are contesting the suit.

4.In the said suit, the plaintiffs took out an application in I.A.No.1001 of 2016 under Section 45 of the Evidence Act for comparing the signature of the Testator found in the unregistered Will dated 25.05.1985 with the signature found in the Sale Deed dated 26.02.1985 by sending the document to the Forensic Department, Chennai. The application filed by the plaintiffs was opposed by the defendants. The trial Court, taking into consideration the case of both parties, compared the signature found in the disputed document with the signature found in the Sale Deed dated 26.02.1985 and has given a finding with regard to the signature found in the unregistered Will dated 25.05.1985. After comparing the signature on its own, the trial Court had dismissed the petition, finding that if the document has to be sent to the Forensic Department, it can be compared only with the document of contemporaneous period and it will only drag the matter further.

5. When the trial Court itself had compared the signature and given a finding, I do not find any reason to send the document to Forensic Department for further examination.

6. It is settled position that a Will has to be proved only in accordance with law. The finding of the trial Court is just and proper.

7. I do not find any reason to interfere with the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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14.03.2017

To

The Subordinate Court,
Attur.

M.DURAIWAMY,J.
va

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