

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.06.2017

Coram:

The Honourable Ms.**Justice V.M.VELUMANI**

C.R.P.(PD)No.821 of 2015
and
M.P.No.1 of 2015

Maniveeran

.. Petitioner

Vs.

1. Sarojammal
2. Settu
3. Malliga
4. Deivapiravi

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 07.01.2015 made in I.A.No.1590 of 2014 in O.S.No.153 of 2010 on the file of the Principal District Munsif at Tirupattur, Vellore District.

For Petitioner	: Mr.G.Jeremiah
For RR1 to RR3	: Mr.D.Balachandran
For RR4	: No Appearance

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 07.01.2015 in I.A.No.1590 of 2014 in O.S.No.153 of 2010 on the file of the Principal District Munsif at Tirupattur, Vellore District.

2. The Petitioner is the plaintiff and the respondents are the

defendants in O.S.No.153 of 2010. The petitioner filed a suit for partition and separate possession of 6/25 shares in his favour and permanent injunction as against the respondents restraining them from alienating or encumbering the suit property in favour of any third party.

3. Respondents filed the written statement on 16.08.2010 and are contesting the suit. In the written statement, the respondents have stated that a partition was effected evidenced by a partition deed and respondents executed a settlement deed. In view of such stand taken by the respondents, the petitioner has filed an Interlocutory Application in I.A.No.59 of 2011 to send for the thumb impression note book maintained in the Sub-Registrar Office, Tirupattur and to obtain the opinion of Finger Print Expert, Chennai, by comparing the admitted left thumb impression of the petitioner. The said application was allowed and opinion of the Finger Print Expert was obtained. The petitioner filed the present I.A.No.1590 of 2014 under Section 26 Rule 10 A1 of CPC to get opinion from another Finger Print Expert at Hyderabad on the ground that his left thumb impression is small and the thumb impression found in the Sub-Registrar Office, Tirupattur, is big. The 2nd respondent filed the counter and opposed the said application.

4. The learned District Munsif, considering the averments in the affidavit, counter affidavit and materials on record, dismissed the application holding that the petitioner has not given any reason for obtaining opinion

from another Finger Print Expert and it is open to the petitioner, to examine the Handwriting expert and prove as to how the opinion given by the Finger Print Expert is not correct. Aggrieved by the same, the present Civil Revision Petition is filed.

5. Heard Mr.G.Jeremiah, learned counsel for the petitioner and Mr.D.Balachandran, learned counsel for respondents 1 to 3.

6. From the records, it is seen that on the Interlocutory Application in I.A.No.59 of 2011 filed by the petitioner, opinion from the Finger Print Expert is obtained. The suit was posted for cross-examination. But the petitioner did not appear for cross-examination and the suit was dismissed. On application filed by the petitioner, the suit was restored to file. Again, the petitioner filed an application for amendment and said application was also allowed. After that, the suit was posted for cross-examination. At that stage, the petitioner has come out with the present I.A.No.1590 of 2014. The petitioner has sought for opinion from another Finger Print Expert at Hyderabad on the ground that his left thumb impression is small and the thumb impression found in the Sub-Registrar Office, Tirupatthur, is big which is not a valid ground for obtaining opinion from another expert.

7. The Finger Print Expert has compared the admitted left thumb impression with the disputed left thumb impression and has given opinion. As

rightly held by the learned District Munsif, it is open to the petitioner to examine the Finger Print Expert and prove that opinion given by the Finger Print Expert is not correct. In this circumstances, there is no irregularity or illegality in the findings of the trial court warranting interference of this Court.

In the result, the Civil Revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

01.06.2017

Speaking/ Non-speaking order
Index : Yes/No
cgi/gv

To

The District Munsif,
Tirupattur.

V.M.VELUMANI., J.

cgi/gv

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