



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

CORAM :

WEB COPY

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CRP(PD) (MD) No.454 of 2014

and

M.P(MD) No.1 of 2014

Sornakumari

... Petitioner

vs.

1) Kanagammal

2) Thangam

3) Chellam

4) Pavazhakodi @ Jannal Pavazham

5) Thangabai

... Respondents

Prayer:- Civil Revision Petition filed the under Article 227 of Constitution of India, against the fair and decreetal order dated 30.09.2013 passed in I.A.No.218 of 2013 in A.S.No.94 of 2011 on the file of the Sub Court, Kuzhithurai.

For Petitioner : Mr.G.Radhakrishnan

For Respondents : Mr.C.K.M.Appaji

ORDER

This revision petition is filed by the defendant in the suit who lost the case before the Trial Court and preferred appeal in A.S.No.94/11. Pending appeal, she has taken out an application to appoint an expert for comparing Will marked as Ex.B13 dated 08.09.2001 with an application signed by the Testator in the year 1969 and marked as Ex.B22.

2.The appellate Court, after considering the petition and the counter filed thereof, held that the application to compare signatures found in Exs.B13 and B22, have been filed belatedly and it is not prudent to compare a document of the year 2001 with that of the document signed in the year 1969.

3.Further, the Trial Court has also pointed out that instead of adducing evidence and examining the attesting witness of the Will as mandated under the Indian Succession Act and Indian Evidence Act, the petitioner has belatedly filed this application for comparison of signature, which is of no use to enhance the case of the appellant.



4. This Court finds no error in the aforesaid finding of the Trial Court. Therefore, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Sub Court,
Kuzhithurai.

+1CC TO MR.G.RADHAKRISHNAN, ADVOCATE IN SR.15366

+1CC TO MR.C.K.M.APPAJI, ADVOCATE IN SR.15307

nbi

KK-SVMMS-24.03.2017-2P-4C

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