



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.06.2017

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THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

C.R.P (PD) (MD) No.1226 of 2017
and
C.M.P. (MD) No.5999 of 2017

1.Maheswari
2.Saravanakumar

.. Petitioners

Vs.

1.Renganayaki
2.Rajeshwari

.. Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.No.567 of 2016 in O.S.No.8 of 2014 by the District Munsif Court cum Judicial Magistrate No.I, Sattur, Virudhunagar District dated 19.04.2017.

For Petitioners : Mr.C.Suresh Kannan

ORDER

The application in A.S.No. 567 of 2016 in O.S.No.8 of 2014 in the file of the District Munsif Court cum Judicial Magistrate NO.I, Sattur, Virudhunagar District filed by the revision petitioners under Order 26 Rule 10 to compare the admitted signature of the Avadaiammal with that of disputed signature was dismissed by the Trial Court on the ground that settlement deed in 21.03.1989 marked as Ex.B3, the sale deed dated 29.09.1986 marked as Ex.A2 are not contemporaneous document for comparison by an expert. Where both the documents are sorted to be disputed by one party. Unless there is one document which is admitted by both the parties that the signature found in the name of Avadaiammal, it cannot be sent for comparison with that of the admitted documents.

2.This Court finds merits in the reasoning given by the Court below and at the same time, opportunity is also given to the revision petitioners, if they are in possession of the contemporaneous disputed document, it is always open to them, at the earliest, seek remedy to compare the document by the expert. The Court could take an appropriate decision applying the proper law relevant to issue.



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3. With the above said observation, this Civil Revision Petition is dismissed. No costs. Consequently, C.M.P. (MD) No. 5999 of 2017 is closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

The District Munsif cum Judicial Magistrate No. I,
Sattur, Virudhunagar District.

+ 1 CC TO Mr. C. SURESH KANNAN, ADVOCATE IN SR No. 63164

MRN/DSS

TE/SKN-RSK/SAR-I : 21/07/2017 : 2P/3C

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