

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 106 of 2018

and

CMP. No.553 of 2018

K.P.Mahendra Babu

.. Petitioner

Vs

1. K.Rajalakshmi

2. The Sub Registrar,

O/o. Sub Registrar

Palladam, Tirupur District.

.. Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order passed in I.A.No.498 of 2013 in O.S.No.21 of 2011 dated 18.09.2017 by the learned District Munsif, Palladam.

For Petitioner

:Mr.R.Gopinath

ORDER

This Civil Revision Petition is filed against the dismissal order passed in I.A.No.498 of 2013 in O.S.No.21 of 2011 dated 18.09.2017 by the learned District Munsif, Palladam.

2. The learned counsel for the petitioner would submit that the petitioner has filed the suit in O.S. No.21 of 2011 for permanent injunction. In the aforesaid suit, the petitioner has filed an application in I.A. No.498 of 2013 seeking for comparison of Thumb Impression of one Ponnan @ Mahali contained in Partition Deed dated 30.05.1956 registered Document No.606/1956 and in sale deed dated 13.03.1995 registered as Document No.998 of 1995 by second respondent/Sub Registrar of Palladam. The said application has been dismissed by the Court below. Challenging the aforesaid application, the petitioner has preferred the Civil Revision Petition before this Court.

3. According to the learned counsel for the petitioner, the said application in I.A. No.498 of 2013 has been filed for comparison of thumb impression of Ponnan @ Mahali in the partition deed to prove the illegalities and fabricated documents have been created by the first respondent. The first respondent is attempted to alienate the suit property to some other third parties with the help of fabricated documents. The aforesaid suit property is possessed and enjoyed by the petitioner. Without appreciating the objection raised by the petitioner,

the Court below erroneously dismissed the said application and the same is liable to be set aside.

4. Heard the learned counsel for the petitioner and perused the materials available on records.

5. By considering the facts and submissions of the learned counsel for the petitioner, the revision petitioner has filed an application for the aforesaid prayer for comparison of thumb impression of One Ponnann @ Mahali, contained in Partition Deed dated 30.05.1956 registered Document No.606/1956 and in sale deed dated 13.03.1995 registered as Document No.998 of 1995 by Sub Registrar of Palladam. The present suit has been filed by the petitioner for permanent injunction and it is the case of the petitioner that the respondent/defendant is attempting to interfere with the possession of the petitioner's property. The Court below has rightly dismissed the said application by holding that the petitioner can prove the relief as prayed in the affidavit by adducing the oral and documentary evidence. Therefore, the present application in I.A. No.498 of 2013 for comparison of thump impression of the document

cannot be sustainable. Therefore, the Court below rightly rejected the said application. Hence, the order passed by the Court below is confirmed.

6.In fine, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

31.01.2018

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non Speaking Order
rkp

To

The District Munsif,
Palladam,
Coimbatore District.



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D. KRISHNAKUMAR J.,

rkp



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