



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.797 of 2016 (PD)
and
CMP(MD)No.4014 of 2016

1.M.Rajendran
2.M.Thayalan

: Petitioners/Petitioners/Plaintiffs

Vs.

1.M.Sanjeevi
2.M.Vinothkumar
3.S.Gnanaraj
4.G.Thilagavathi

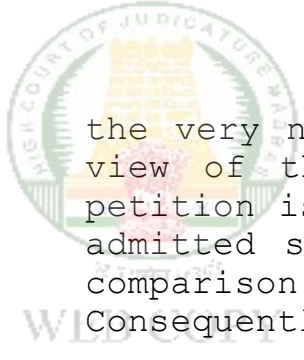
: Respondents/Respondents/Defendants

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 01.03.2016 and made in I.A No.509 of 2015 in O.S No.527 of 2011 on the file of the District Munsif Court, Tuticorin and set aside the same.

For Petitioners : Mr.A.Arumugam
For Respondents : Mr.K.Suresh Kumar for R1
Mr.S.Anandha Rajagopal for R2
No appearance for R3 & R4

ORDER

The plaintiffs in O.S No.527 of 2011 on the file of the learned District Munsif Court, Tuticorin are the revision petitioners herein. It is a suit for partition. The stand of the defendants is that the plaintiffs have executed a power of attorney dated 10.04.2002. According to the plaintiffs, it is a forged document. The first defendant in his written statement has categorically taken a stand that if the document is sent for expert opinion, the truth will be out. The plaintiffs filed I.A No.509 of 2015 for referring the document in question for expert opinion. The court below by order dated 01.03.2016 dismissed the said I.A. Questioning the same, this civil revision petition has been filed.



the very nature of things, expert opinion is required. In this view of the matter, the order impugned in this civil revision petition is set aside. The revision petitioners shall place their admitted signatures which are contemporaneous in nature for such comparison. This civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The District Munsif, Tuticorin.

+ 1 CC TO Mr.K.MUTHUMALAI, ADVOCATE IN SR No. 86818
+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 87189

SKM
TE/RSK/SAR-1 : 31/10/2018 : 2P/4C

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