

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD).No. 1488 of 2019

and

C.M.P.No. 9726 of 2019

Rajeshwari

..Petitioner/Plaintiff

Vs

1.K.Bomma Nayakkar

2.K.Rangasamy

3.Chinnusamy

4.Babu

5.Pothan @ Potha Nayakkar

6.A.Ravi

..Respondents/defendants

This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order in I.A.No. 818 of 2018 in O.S.No. 162 of 2016, on the file of the learned District Munsif Court, Rasipuram, dated 08.2.2019.

For Petitioner : M/s.J.Prithivi

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned District Munsif, Rasipuram in I.A.No. 818 of 2018 in O.S.No. 162 of 2016, in and by which, the learned Judge

has allowed the application moved by the defendants for sending left thumb impression of the executrix of the Release Deed dated 22.08.2016, marked as Ex.R1, to be compared with the Sale Deed dated 06.05.1968, marked as Ex. R2. Without going into the merits of the case, it would suffice to state that the entire suit hinges upon the veracity of the LTI in the Release Deed Ex.R1. That being the case, I do not find any infirmity in the order passed by the learned District Munsif directing the comparison of the left thumb impression in both the documents. The only ground that has been put forward is that the husband of the executrix has been shown as Palaninayakkar, whereas the Release Deed has been executed by Muthayeammal W/o Appinayakar. Whatever be the case, if the thumb impression belongs to the person who had executed Ex.R2, the case of the plaintiff would stand proved. Therefore, this Court does not find any infirmity in the order passed by the Court below.

सत्यमेव जयते

2 In the result, the Civil Revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

22.04.2019

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Index: Yes/No

Internet: Yes/No

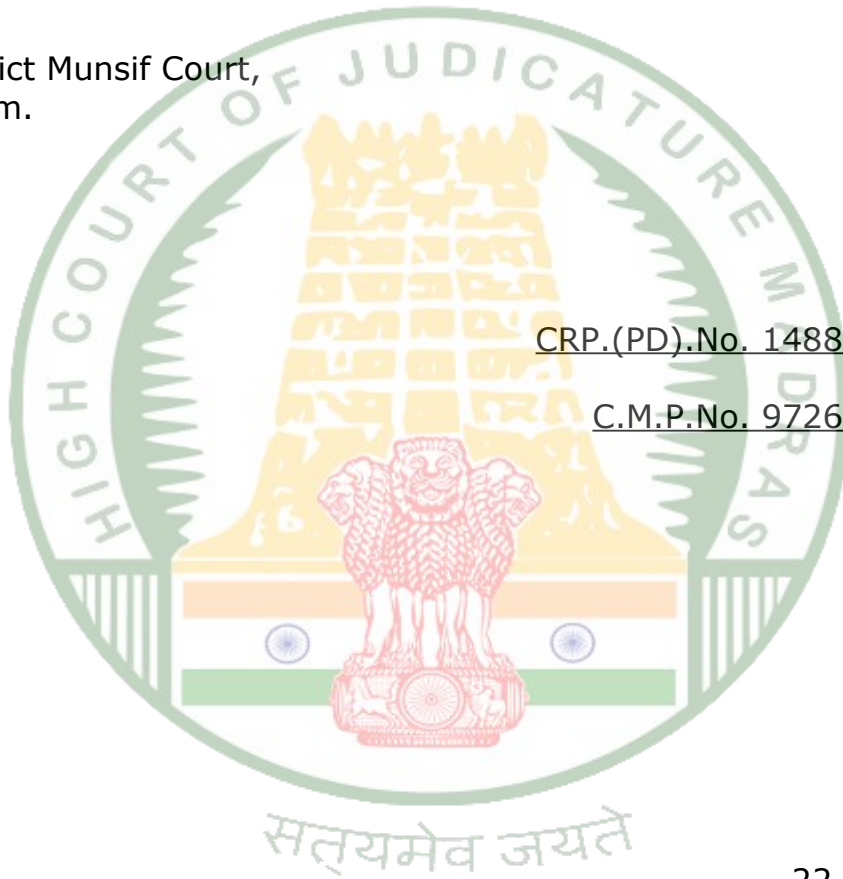
Speaking order / Non-speaking order

P.T.ASHA, J.

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To

The District Munsif Court,
Rasipuram.



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