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C.R.P(MD)No.2481 & 2482 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2019

CORAM :

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

C.R.P(MD) Nos.2481 and 2482 of 2008

In C.R.P. (MD) No.2481 of 2008:

- 1.P.Veera Perumal (Died)
- 2.P.Paramasivam (Died)
- 3.Subbammal
- 4.Muthupandiammal
- 5.Karuppasamy
- 6.Rajalakshmi
- 7.T.Pragatheeswaran
- 8.Pandi Priya

... Petitioners

(Petitioners 3 to 5 were brought on record as lrs of the deceased first petitioner vide order dated 26.11.2014 made in M.P.No.3 of 2014)

(Petitioners 6 to 8 and R16 were brought on record as lrs of the deceased second petitioner vide order dated 16.07.2019 made in C.M.P.No.5780 of 2019)

Vs.

- 1.Pandiammal
- 2.Valli
- 3.Seetha
- 4.Murugan
- 5.Mariappan
- 6.Vellaisamy
- 7.Vijaya
- 8.Jaya
- 9.Jayarani
- 10.Usha Rani
- 11.Veeramani
- 12.Vanitha



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13.Krishnaveni
14.Pandi Selvi
15.Jegathesan @ Jegatheeskumar
16.Pragadeswari

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order passed in I.A.No.155 of 2006 in O.S.No.95 of 2003 on the file of the Sub Court, Virudhunagar dated 01.08.2008.

For Petitioner : Mr.A.Sivaji
For R1 : Mr.T.Lajapathi Roy
For R2 to R15 : Given up
For R16 : No appearance

In C.R.P. (MD) No.2482 of 2008:

1.P.Veera Perumal
2.P.Paramasivam
3.Subbammal
4.Muthupandiammal
5.Karuppasamy
6.Rajalakshmi
7.T.Pragatheeswaran
8.Pandi Priya

... Petitioners

(Petitioners 3 to 5 were brought on record as lrs of the deceased first petitioner vide order dated 26.11.2014 made in M.P.No.3 of 2014)

(Petitioners 6 to 8 and R2 were brought on record as lrs of the deceased second petitioner vide order dated 16.07.2019 made in C.M.P.No.5781 of 2019)

Vs.

1.Pandiammal
2.P.Praghtheeswari

..Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order passed in unnumbered I.A (Diary No.4242 of 2008) in O.S.No.95 of 2003 on the file of the Sub Court, Virudhunagar dated 01.08.2008.



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C.R.P(MD)No.2481 & 2482 of 2008

For Petitioner : Mr.A.Sivaji

For R1 : Mr.T.Lajapathi Roy

For R2 : No appearance

C O M M O N O R D E R

The Civil Revision Petitions are filed by the defendants 1 and 3 challenging the order passed in I.A.No.155 of 2006 and another unnumbered I.A in O.S.No.95 of 2003 by the Subordinate Court Virudhunagar.

2. The learned Subordinate Judge, Virudhunagar has allowed the application filed by the first respondent/plaintiff seeking an opinion as to whether left thumb impression of the first respondent's mother affixed on the disputed Will has been done during her life time or after her death.

3. The said application, on the face of it, appears to be frivolous one. It is not possible for the expert to give opinion as to whether left thumb impression has been affixed when a person is alive or after death. In fact, even with reference to the dating of a document, experts are unable to give accurate opinion.

4. This Court is rather surprised as to how the the said application was entertained by the learned Subordinate Judge, Virudhunagar. In the considered opinion of this Court, that application deserves to be dismissed. Accordingly, the order passed in I.A.No.155 of 2006 in O.S.No.95 of 2003 is set aside. In view of the same, there is no need to set aside the order passed in unnumbered I.A. However, it is open to the first respondent/plaintiff to prove the genuineness or otherwise of the Will by any other mode of proof.

5. In fine, C.R.P.(MD)No.2481 of 2008 is allowed and C.R.P(MD) No.2482 of 2008 is closed. No costs.



C.R.P(MD)No.2481 & 2482 of 2008

Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True
Copy //

Sub Assistant Registrar(CS)

CM

TO
THE SUBORDINATE JUDGE, VIRUDHUNAGAR

COPY TO
THE SECTION OFFICER,
VR SECTION, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-2COPIES

+1 CC to M/s.A.SIVAJI, Advocate (SR-91955[F] dated
15/10/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-92648[F] dated
17/10/2019)

C.R.P (MD) Nos.2481 and 2482 of 2008

15.10.2019

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