



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.04.2019
CORAM :

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

WEB COPY

CRP (MD) (PD) .No.281 of 2018
and
CMP (MD) No.1242 of 2018

1.Veerasamy
2.Palanichamy
3.Rukmani
4.Nallammal
5.Sakunthala@Chinnaatha
6.Ponnammal ... Petitioners/Respondents 1,4,6 to 9/Defendants

vs.

1.Alagappa Konar
2.Raman
3.Mayandi ... Respondents 1 to 3/Petitioners/Plaintiffs
4.Nallaiah
5.Krishnan
6.Nallammal ... Respondents/Respondents/Defendants

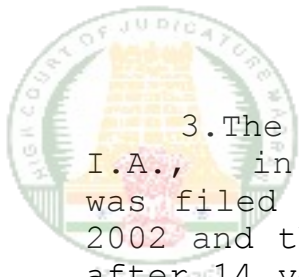
PRAYER: This Civil Revision Petition has been filed under Article 227 of Constitution of India, against the fair and decreetal order dated 13.07.2017 in I.A.No.944 of 2016 in O.S.No.154 of 2002 on the file of the Sub Court, Pudukkottai.

For Petitioners : Mr.K.Balasundharam
For R2,R3 & R6 : Mr.N.Balakrishnan
R4 & R5 : No Appearance
R1 : Died

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 13.07.2017 in I.A.No.944 of 2016 in O.S.No.154 of 2002 on the file of the Sub Court, Pudukkottai.

2.The respondents 1 to 3 have filed the suit for partition in the year 2002 in O.S.No.154 of 2002. Pending Suit, they filed I.A.No.944 of 2016 for comparing the signature of one Valliyammai found in Exhibit A1, which is an original sale deed dated 02.05.1972 in the Original Suit with Exhibit B2, with the help of handwriting expert.



3.The petitioners/respondents vehemently objected the said I.A., in their counter statement by stating that the said petition was filed after a long time. Since the suit was filed in the year 2002 and the respondents/petitioners have filed the said I.A., only after 14 years. They further contended that only for the purpose of delaying the proceedings in the original suit, the said I.A., was filed and hence, they sought for dismissing the said I.A.,

4.On perusal of oral and documentary evidence, the trial Court has observed the fact that when the respondents/plaintiffs denying the Will, the same has to be ascertained by way of comparing the thump impression found in the sale deed, which was executed by the said Valliyammai. The purpose for filing the said petition was purely a genuine one and hence, the trial Court has allowed the said I.A., On perusal of entire records and on hearing the submission made by both counsel, this Court finds that the order passed by the trial Court is very much reasonable and therefore, this Court does not require any interference of the order passed by the trial Court. However, it is learnt from the respondents that after passing of the order, the said documents were taken by the Commissioner and the report was also filed before the trial Court and hence, nothing survives in this civil revision petition.

5.In view of the above submission, this Civil Revision Petition has become infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS)

msa
To

The Subordinate Judge,
Pudukottai

+1 CC to M/s.N.BALAKRISHNAN, Advocate(SR-59391[F] dated 05/04/2019)
+1 CC to M/s.K.BAALASUNDHARAM, Advocate(SR-59464[F]dated 08/04/2019)

msa
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ES/13.05.2019/2P/4C