

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.07.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P (MD) .No.1011 of 2019****and****C.M.P. (MD) .No.5580 of 2019**

K.Mohammed Ali

... Petitioner/
Petitioner / Defendant

Vs.

1.Savuthanabegum

2.Najeemabeevi

... Respondents /
Respondents/ Plaintiffs

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 12.02.2019 passed in I.A.No.56 of 2017 in O.S.No.33 of 2015 by the Additional District and Sessions Court, Paramakudi.

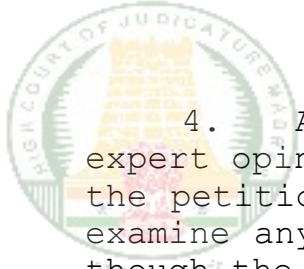
For petitioner : Mr.T.Lajapathi Roy

ORDER

This Civil Revision Petition has been filed by the petitioner challenging the order dated 12.02.2019 passed in I.A.No.56 of 2017 in O.S.No.33 of 2015, whereby and whereunder the petition filed by the petitioner seeking an expert opinion with regard to thumb impression over a registered gift deed (Ex.B2) dated 30.01.2004 was dismissed by the Court below.

2. The respondents herein as plaintiffs have filed the suit in O.S.No.178 of 2016 for partition. According to the respondents herein, the suit property is their ancestral property. According to the petitioner/defendant, his grandmother settled the suit property in his favour by way of innam settlement deed dated 30.01.2004 - Ex.B2. While so, the petitioner/defendant filed I.A.No.56 of 2017 praying to direct an expert to compare the thumb impression of the petitioner's grandmother found in registered gift deed (Ex.B2) dated 30.01.2004, with that of the thumb impression found in Ex.A2, which is available in the Sub Registrar Office, Paramakudi. The Court below has dismissed the same. Questioning the same, the petitioner has filed this revision petition.

<https://hcservices.courts.gov.in/hcservices> 3. Heard the learned counsel for the petitioner and perused the materials available on record.



4. Admittedly, the petitioner has filed the petition for expert opinion only after completion of evidence on his side. Though the petitioner heavily relied upon Ex.B2, he has not taken steps to examine any witness to the document. The Court below has held that though the respondents herein have not stated that Ex.B2 is a forged document, the petitioner has filed this petition alleging as if the respondents have stated so in the plaint. The Court below has dismissed the petition holding that the petitioner has not assigned valid reason for ordering the petition. This Court does not find any reason to interfere with the said finding of the Court below.

5. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Additional District and Sessions Judge,
Paramakudi.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-72692[F] dated
02/07/2019)

C.R.P (MD) .No.1011 of 2019
01.07.2019

GCG

MK (30.08.2019) 2P 3C