

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.Nos.3464 & 3465 of 2017 and
CMP.No.16108 of 2017

CRP.PD.No.3464 of 2017

1.Tamilarasu
2.Babu
3.Sarasu
4.Kannan

..Petitioners

Vs.

Jothi

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.06.2017 made in IA.No.689 of 2014 in OS.No.9 of 2012 on the file of the Principal District Munsif Court, Tiruchengode.

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For Petitioners : Mr.S.Mukunth

For Respondent : Mr.R.Marudhachalamurthy

CRP.PD.No.3465 of 2017

1.Tamilarasu
2.Babu
3.Sarasu
4.Kannan

..Petitioners

Vs.

Jothi

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.06.2017 made in IA.No.1009 of 2014 in OS.No.9 of 2012 on the file of the Principal District Munsif Court, Tiruchengode.

For Petitioners : Mr.S.Mukunth

For Respondent : Mr.R.Marudhachalamurthy

COMMON ORDER

The civil revision petition in CRP.No.3464 of 2017 is filed against the fair and decretal order dated 17.06.2017 made in IA.No.689 of 2014 in OS.No.9 of 2012 on the file of the Principal District Munsif Court, Tiruchengode thereby dismissing the petition to find out whether the

document dated 07.05.1936 contains any material alterations, erasures and corrections. The civil revision petition in CRP.No.3465 of 2017 is filed against the fair and decretal order dated 17.06.2017 made in IA.No.1009 of 2014 in OS.No.9 of 2012 on the file of the Principal District Munsif Court, Tiruchengode, thereby dismissing the petition to send for document dated 07.05.1936 from the Office of the Sub Registrar, Mallasamudram to get expert opinion

2. In both the civil revision petitions, the petitioners are the defendants and the respondent is the plaintiff. The respondent filed suit for partition in respect of the suit property. The petitioners also filed their written statement. The respondent claimed the suit property by virtue of registered sale deed dated 07.05.1936. Whereas the petitioners claimed the suit property by virtue of sale deed executed in favour of their grandfather dated 12.06.1931. While PW1 was in box for cross examination, the petitioners come forward with the petition to find out whether the said document dated 07.05.1936 contains any material alteration, erasures and corrections, if any and send for the same to expert opinion. They also filed petition to send for the document dated 07.05.1936 from the Office of the Sub Registrar to get expert opinion from

the handwriting expert.

3. On perusal of the affidavit filed in support of the petition revealed that on perusal of Ex.A1 dated 07.05.1936, there is some manipulation in the sale deed since the respondent has no title over the property comprised in survey No.176/3 situated at Kizhmugam Village, Mallasamudram, Namakkal District. Therefore, the petitioners filed petition to send for the original document which is kept in the Sub Registrar's Office for getting expert opinion.

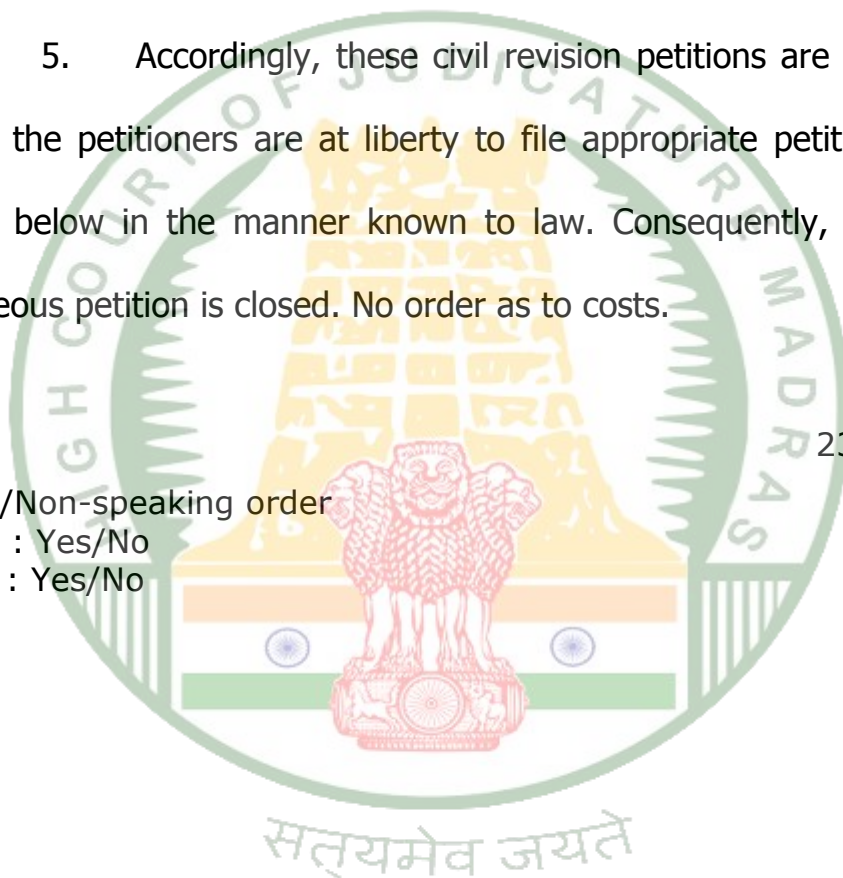
4. On perusal of the written statement filed by the petitioners, there is no whisper about the said allegation that the document dated 07.05.1936 is manipulated one or correct one. In fact, along with the plaint, the documents which were annexed to the plaint were duly served to the petitioners. While PW1 was in box for cross examination, that too after partly cross examination, the present petitions have been filed by the petitioners. That apart, the petitioners did not even notice any of the alteration, corrections, additions or editions in the document dated 07.05.1936. Further they also failed to produce the certified copy of the said document to compare with the document which is marked as Ex.A1 before the trial court to find out whether the said

document contains any material alterations or erasures and corrections. Therefore, no purpose would be served if the document is sent for to get expert opinion. Therefore, this Court finds no irregularity or infirmity in the orders passed by the court below.

5. Accordingly, these civil revision petitions are dismissed. However, the petitioners are at liberty to file appropriate petition before the court below in the manner known to law. Consequently, connected miscellaneous petition is closed. No order as to costs.

23.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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G.K.ILANTHIRAIYAN,J.

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To

The Principal District Munsif Court,
Tiruchengode.



CRP.PD.Nos.3464 & 3465 of 2017

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