



C.R.P.(PD).No.2090 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	05.04.2022
PRONOUNCED ON :	21.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD).No.2090 of 2014
and M.P.No.1 of 2014

- 1) G.Somasundaram
- 2) G.Velmurugan

... Petitioners/ Plaintiffs

Vs.

- Subbulakshmi (died)
- 1) Yasodha
 - 2) P.Kavitha
 - 3) P.Radhika
 - 4) G.Krishnaveni
 - 5) G.Prabala
 - 6) G.Parimala
 - 7) G.Mohana
 - 8) G.Shanthi
 - 9) G.Latha

... Respondents/ Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order of the V Additional District and Sessions Judge, Coimbatore dated 28.04.2014 in I.A.No.237 of 2014 in O.S.No.557 of 2010.



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C.R.P.(PD).No.2090 of 2014

For Petitioners	...	Mr.P.Valliappan
For RR 1 to 3	...	Mr.N.Damodaran
For RR 4 to 6 & 8	...	No Appearance

ORDER

Aggrieved against the dismissal of the decretal order made in I.A.No.237 of 2014 in O.S.No.557 of 2010, on the file of V Additional District and Sessions Judge, Coimbatore dated 28.04.2014, the petitioners/plaintiffs have preferred the present revision before this Court.

2. Brief facts, which are necessary for the disposal of this Civil Revision Petition are as follows:-

2.1. The suit in O.S.No.557 of 2010 has been filed for partition and the petitioners/ plaintiffs claimed share through a Will, which is said to be executed by one Parvathiammal on 23.01.1986. The execution of Will was denied by the respondents / defendants and they set up their right through a Settlement Deed drawn in favour of one Palanisamy, which was prior to the execution of the Will by Parvathiammal. The petitioners/ plaintiffs filed an application in I.A.No.237 of 2014 to send exhibits X4, X5 and A3 for obtaining an expert opinion and for



C.R.P.(PD).No.2090 of 2014

comparison of thumb impression, which was dismissed by the learned Judge.

Against which, the present Civil Revision petition has been filed.

3. The learned Judge, finding that there was a Settlement, admittedly in favour of one Palanisamy, which was claimed to have been cancelled unilaterally by the said Parvathiammal, by the plaintiffs and therefore, the Court has to consider whether the cancellation of the Settlement in favour of Palanisamy is valid or not and suppose, the learned Judge finds that the cancellation of the Settlement in favour of Palanisamy is valid, then there is no necessity for ascertaining the genuineness of the Will. Also, considering the documents which are sought to be sent for comparison were also xerox copies, which are found to be not clear and has rightly dismissed the application. Hence, I do not find infirmity in the order passed in I.A.No.237 of 2014 in O.S.No.557 of 2010, on the file of V Additional District and Sessions Judge, Coimbatore dated 28.04.2014 Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently the connected Miscellaneous Petition is closed.

21.06.2022



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C.R.P.(PD).No.2090 of 2014

J.NISHA BANU, J.,

sts

Index : Yes/No

Internet : Yes/No

sts

To:

The V Additional District and Sessions Judge,
Coimbatore.

Order made in
C.R.P.(PD).No.2090 of 2014

Dated:
21.06.2022