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Review Appln. No.161 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Review Application No.161 of 2022

in
C.R.P No.792 of 2022

1.S.Dhamodaran
2.S.Purushotaman

... Petitioners

Vs.

Andal Ammal

... Respondent

PRAYER: Review application filed under Order 47 Rule 1 r/w 114 of C.P.C to review the order made in C.R.P No.792 of 2022 dated 28.06.2022 on the file of this Court and reconsider the same in view of the patent error appearing in the face of record.

For Petitioners : Mr.T.Subramanian

For Respondents : Mr.M.Udaya Bhanu



ORDER

WEB COPY This Review Application has been filed, seeking to review the order passed in C.R.P No.792 of 2022 dated 28.06.2022 on the file of this Court.

2. Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondent.

3. The learned counsel for the petitioners submitted that in the impugned petition filed under Section 45 of C.P.C, the petitioner has sought a prayer to compare both the signature and the thumb impression in the disputed document with that of the admitted documents as listed therein. He further submitted that in the order dated 28.06.2022 passed in C.R.P No.792 of 2022, it is observed that the disputed document, namely the Will had executor's signature and it cannot be compared with the thumb impressions. During the hearing of the Civil Revision Petition, the very same submission was made and for which, the Court has observed that the executant had only affixed his signature in the Will. Even if there may be some thumb impression available on the second page of any registered document, the validity for the document can be given when the



signature/thumb impression of the executant is obtained in the document itself. So far as the Will is concerned, the executant had affixed his signature in the Will and not thumb impression. So, it cannot be mistaken by the petitioners, that the executant of the Will had affixed his thumb impression even for executing the Will and thereby, the validity for the Will has been given through thumb impression and not by signature. Hence the earlier order does not deserve to be reviewed for any reason now stated and the present petition is liable to be dismissed.

4. Accordingly, this Review application is dismissed.

19.10.2022

Index : Yes/No
Speaking Order : Yes / No

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R.N.MANJULA, J.,

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