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**C.R.P (MD) Nos.1827 and 1828 of 2022**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**C.R.P (MD) Nos.1827 and 1828 of 2022**  
**and**

**CMP (MD) No.8230 of 2022**

Nagarajan

1.Malika

2.Santhi

3.Minor Shanmugapriya

4.Minor Karthika

... Petitioners

3<sup>rd</sup> and 4<sup>th</sup> Petitioners  
are represented through  
their mother and guardian  
1<sup>st</sup> petitioner.

Vs

1.Nagajothi Ammal

2.Subbulakshmi Ammal

3.Mariammal

4.Vijayakumar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227  
of the Constitution of India, to set aside the fair and

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decreetal order dated 11.07.2022 in I.A.Nos.384 and 385 of 2021 in O.S.No.05 of 2011 on the file of the Sub Ordinate Court, Kovilpatti.

For Petitioner : Mr.P.Selvakamatchi

For Respondent : Mr.R.Rajaraman

**ORDER**

These civil revision petitions are filed as against the fair and decreetal order passed in I.A.Nos.384 and 385 of 2022.

2.The above suit was filed for partition by the respondents/ plaintiffs in the year 2011. Both side evidence is over. At this point of time, the respondents / plaintiffs have filed the above interlocutory applications for reopening of the case and for comparison of the signatures found in the documents Exs.X1 and X2 with the signatures found in Ex.B8, which was filed by the petitioners/ defendants during their examination.

3.Ex.B8 is the Will dated 23.10.2000. The plaintiffs have examined one of the attestors of the



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Will Ex.B8. After completion of the evidence on both side, the respondents / plaintiffs have filed the above applications for reopening of the case and for comparison of the signatures of Nagamani Naicker found in Ex.X1 and Ex.X2 with the signature found in Ex.B8. Ex.X1 is the application submitted by Nagamani Naicker to the Municipal Authorities, Kovilpatti for approval of building plan and Ex.X2 is the approval of the building plan issued by the Kovilpatti Municipality, wherein signature of the Nagamani Naicker also finds place. The said applications were allowed by the trial Court. Aggrieved over the same, the petitioners have filed these civil revision petitions.

4.The learned Counsel for the petitioners submits that those documents are not contemporaneous documents to Ex.B8 to compare the signature. Ex.X1 and Ex.X2 are marked through PW2, who is an Official of Kovilpatti Municipality and he himself has admitted in his evidence that the documents Ex.X1 and Ex.X2 are not signed in front of the officials and therefore, those documents cannot be taken into consideration for comparison of the signatures of Nagamani Naicker found in Ex.B8.



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5. Heard the learned Counsel for the petitioners and perused the materials placed on record.

6. The respondents/ plaintiffs filed the above suit for partition in the year 2011. After completion of both side evidence, plaintiffs have filed two interlocutory applications for reopening of the case and for comparison of the signatures found in Ex.X1 and Ex.X2 with the signatures found in Ex.B8 by appointing a Commissioner. Ex.B8 is the Will executed by the father of the petitioners in their favour on 23.10.2000. Ex.X2 is the approval of building plan dated 18.08.1999 issued by the Kovilpatti Municipality, which is a public document, wherein the signature of the said Nagamani Naicker is available. This Ex.X2 was issued based on Ex.X1, which is the application dated 01.07.1999 submitted by Nagamani Naicker for approval of building plan. Though the petitioners raised objection for comparing the signatures of Ex.X1 and Ex.X2, they have not produced any other document containing the admitted signature of the said Nagamani Naicker, prior to the year 2000. In the absence of any document, there is no error in the orders of the trial Court in ordering for



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the comparison of the signatures of Nagamani Naicker found in Ex.B8, Ex.X1 and Ex.X2. Therefore this Court is not inclined to interfere with the orders of the trial Court.

7.In the result, these civil revision petitions are dismissed. No costs. Consequently connected miscellaneous petition also stands dismissed. Since the suit is of the year 2011, the trial Court shall dispose of the suit as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

12.09.2022

dsk

To

The Sub Ordinate Judge,  
Kovilpatti.



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**B.PUGALENDHI , J.**

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