



CRP No.2010 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM:

THE HONOURABLE Mr. JUSTICE LAKSHMI NARAYANAN

CRP No.2010 of 2019 and C.M.P.No.13024 of 2019

S.Meenatchi

... Petitioner

Vs

1.Visalakshi
2.Rajammal
3.U.S.Ramasamy
4.Banumathi
5.P.Jayamani
6.U.P.Jayakumar
7.Selvi
8.Rangarajan
9.Simdaramurthi

(Respondents 7 to 9 brought on record as
LRs of the deceased 1st respondent vide
Court order dated 11.07.2023 in CMP Nos.
5826, 5827 and 5835 of 2023)

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 05.04.2019 made in I.A.No.1 of 2019 in O.S.No.436 of 2013 on the file of I Additional District Court, Coimbatore.



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CRP No.2010 of 2019

For Petitioner : Mr.S.Arjun
For Respondents : R.1 - died
Mr.K.S.Karthik Raja
For RR.3,5 and 6
RR.2 and 4 – served -no appearance
RR.7 to 9 – Not ready in notice

ORDER

This Civil Revision Petition arises against an order passed by the learned I Additional District Judge, Coimbatore. An application was filed in I.A.No.1 of 2019 in O.S.No.436 of 2013. The said suit had been filed for partition and separate possession.

2. To the plaintiff's case for partition, the defendants projected a document dated 24.02.1972. It is the case of the plaintiff/revision petitioner that she was not a party to the document and she would state that the document is a forgery. Apart from that, it is her submission that she attained majority only on 20.05.1972, whereas, the document was said to have been executed on 24.02.1972. An application for comparison of signature was allowed, but, since the petitioner did not produce any contemporaneous document of the year 1972, it was not accepted. An hand writing expert can



CRP No.2010 of 2019

only compare the contemporaneous signatures and because of age, hand writing may vary. Therefore, the plea of the petitioner that the document of the year 1984 should be compared with the document of the year 1972 was not accepted. This leaves out only one other point as to the comparison of thumb impression of the document. Thumb impressions once settled, does not vary with age. Therefore, dismissal of the application on the ground that thumb impression may vary is set aside. It requires interference.

3. Therefore, the learned I Additional District Judge is directed to appoint an Advocate Commissioner to take the document dated 24.02.1972 for the purpose of comparison of the thumb impression alone with the thumb impression of the plaintiff. The thumb impression of the plaintiff can be taken in open court and the plaintiff shall submit her specimen as may be required by the Expert.

4. This court makes it clear that the order is interfered only insofar as



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CRP No.2010 of 2019

V.LAKSHMINARAYANAN,J.

sr

the thumb impression is concerned and not with respect to the other aspects.

In case, the petitioner produces any contemporaneous document, she may renew her application for comparison of her handwriting also.

5. With the above observation, the civil revision petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.07.2023

Index:Yes/No
Speaking order/Non-speaking order
sr

To

The I Additional District Court, Coimbatore

CRP No.2010 of 2019