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C.R.P(MD)Nos.108 and 109 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)Nos.108 and 109 of 2022
and
C.M.P(MD)No.549 of 2024
in
C.R.P(MD)No.108 of 2022**

1.Ramu
2.Lakshmi

... Petitioners/Petitioners
Plaintiffs in both C.R.Ps

Vs.

1.Seethalakshmi
2.Ramu

...Respondent/Respondents/
Defendants in both C.R.Ps

Civil Revision Petitions are filed under Article 227 of the Constitution of India, to call for all the records relating to the order and decreetal order dated 29.10.2021 made in I.A.Nos.08 of 2020 and 09 of 2021 in O.S.No.40 of 2016 on the file of the learned District Munsif Court, Devakottai and set aside the same.

For Petitioners
For R1 & R2

:Mr.V.Meenakshi Sundaram
:Mr.K.Saravanan
(in both cases)



COMMON ORDER

The Civil Revision Petitions are directed against the order dated 29.10.2021 made in I.A.Nos.8 of 2020 and 9 of 2021 in O.S.No.40 of 2016.

2.The said two interlocutory applications were filed to compare the left thumb impression contained in the document, dated 14.06.2004 with such admitted document and the other interlocutory application is filed to produce eight(8) such documents, with which the said impugned signature and left thumb impression can be compared with. The said applications are now dismissed by the trial Court. Agreed by which, these Civil Revision petitions are filed.

3.The learned counsel appearing on behalf of the petitioners drawing the attention of this Court to the counter affidavit filed by the respondents, submitted that both parties are interested in knowing the correctness or otherwise of the left thumb impression contained in the said document. The document dated 14.06.2004 is a registered document. It contains both the signature as well as the left thumb impression. There is yet another document, on the file of the Court itself, that is the registered deed executed in favour of the same Chinnasamy. The said document dated 09.02.2000 also contains both the signature as well as the left thumb impression. Both



are also of the same period and therefore, are comparable. In any event, the thumb impression is definitely comparable as both have been made before the appropriate statutory authority, viz., the Sub Register. In that background, the trial Court ought to have seen that the purpose of trial itself to find out the truth and ought not to have dismissed the said applications. Once the prayer to compare the signature/left thumb impression is to be allowed on the above terms, the second application to receive the additional documents, which are only for the purpose of comparing the signature/thumb impression need not be ordered.

4. In view thereof, the civil revision petitions are ordered on the following terms:

(i) The Civil Revision Petition in C.R.P(MD)No.108 of 2022 stands allowed and the order dated 29.10.2021 made in I.A No.8 of 2020 in O.S.No. 40 of 2016 is set aside.

(ii) Consequently, the trial court is directed to entrust both the documents viz., sale deed dated 14.06.2004 and 09.02.2000 to an Advocate Commissioner for taking it to the Regional Forensic Laboratory, Madurai, to get it compared and file a report.

(iii) The trial Court is entitled to appoint the Advocate Commissioner and also fix the remuneration of the Advocate Commissioner which would



be borne by the petitioner. C.R.P(MD)No.109 of 2022 shall stand dismissed as I.A.No.9 of 2021 has been redundant.

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(iv)No costs. Consequently, connected miscellaneous petition is also closed.

12.07.2024

NCC:Yes/No

Ns

To

1.The District Munsif Court,
Devakottai.



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D.BHARATHA CHAKRAVARTHY, J.

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