



C.R.P.(MD)No.1348 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1348 of 2022

and

C.M.P.(MD)No.5601 of 2022

1.Suhirthabai Packia Leela

2.Jonshi Pushpalatha

3.Victoria

... Petitioners/Petitioners/Plaintiffs

Vs.

1.Rathinasamy

2.Josephin @ Marry

3. Murugan

... Respondents/Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 11-01-2022 passed in I.A.No.1/2020 in O.S.No.64/2017 by the Subordinate Court, Ambasamuthiram and allow the above interlocutory Application.

For Petitioners : Mr.D.Shanmugaraja Sethupathi

For Respondents : No appearance

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ORDER

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The plaintiffs in O.S.No.64 of 2017 on the file of the Sub Court, Ambasamuthiram are the revision petitioners herein. The suit is for declaration and recovery of possession of the suit property. The defendants claimed title over the suit property on the basis of the sale deed dated 27.08.1987. The plaintiffs claim that this document is a piece of forgery. The plaintiffs therefore filed I.A.No.1 of 2020 for referring the said sale deed for expert opinion to obtain report on the thumb impression as well as the signatures attributed to them. The Court below dismissed the I.A. vide order dated 11.01.2022 primarily on the ground that the petitioners have not been able to produce contemporaneous documents for comparison and scrutiny. Questioning the same, this civil revision petition came to be filed.

2.The learned counsel for the petitioners points out that the before the Court below, the defendants remained *ex parte*. Even though the respondents have been served, they have not chosen to enter appearance. It is further submitted by the revision petitioners that even though they failed to make available the contemporaneous documents before the Court below, they have now in a position to produce such documents.



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3.At the stage of revision, I do not want to examine the same. To give one more opportunity to the revision petitioners herein, the impugned order is set aside. The matter is remitted to the file Court below. If the revision petitioners produce contemporaneous documents with which comparison of thumb impression as well as signatures can be made, the Court below shall allow I.A.No.1 of 2020.

4.With the aforesaid observation in favour of the revision petitioners, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ias

To:

The Sub Court,
Ambasamuthiram.



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G.R.SWAMINATHAN, J.

ias

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