



CMP(MD) No.9102 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD) No.9102 of 2024

in

SA(MD) No.708 of 2007

PAPPAMMAL

... Petitioner / Appellant

Vs

1 NAGAMMAL (DIED)

2. R.ALAGUMALAI (DIED)

3. SUBRAMANIAM (DIED)

4.CHANDRA

5 MEENATCHI

6 MUTHAMMAL

7 A.CHIKKANAN

8 RAJU

9 THIRUMAKKAL

10 MAASAIYA



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11 KARTHICK

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12 GUBENTHIRAN

13 MUTHAMMAL

14 MUNIYANDI

15 MARIAMMAL

16 RAMAN

17 NAGAMMAL

18 LAKSHMI

19 GANESAN

... Respondents / Respondents

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to send the suit sale agreement in Ex.A1 along with Ex.A5 sale deed to a qualified scientific expert for comparing the thumb impressions of Subbammal in both the documents and to submit a report as to whether the thumb impression found in Ex.A1 sale agreement is that of the thumb impression of Subbammal admittedly found in Ex.A5.

Prayer in SA(MD). 708/ 2007 :

To call for the records and set aside the Judgment and Decree of the Principal Sub Judge Court, Dindigul in AS.130/2002 dated 25/10/2005 confirming the Judgment and Decree of the Principal District Munsif Court, Dindigul in OS.304/2000 dated 12/09/2001 and allow this appeal with cost through out.

ORDER : This civil miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.H.LAKSHMI SHANKAR, Advocate for the petitioner and of Mr.S.RAMESH, Advocate on behalf of the Respondent Nos.4 & 5, the Court made the following order:-



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The Appellants herein are the Plaintiffs and the Respondents herein are the Defendants. Against the concurrent findings, this Second Appeal is preferred.

2. It is seen from the records that the Plaintiffs have filed a suit in O.S.No.304 of 2000 for Specific performance and the same was dismissed. Against the said dismissal, the Plaintiffs have preferred an appeal in A.S.No.130 of 2022.

3. In the Second Appeal, the Plaintiffs have filed C.M.P(MD)No.9102 of 2024 to send the suit sale agreement in Ex.A.1 along with Ex.A.5 sale deed for comparing the disputed thumb impression of Subbammal in both the documents. When the thumb impression of the Subbmmal was disputed, it is the bounden duty of the Appellate Court to compare the thumb impression by way of sending documents to expert opinion. Instead of allowing the said application, the Appellate Court has dismissed the Appeal also. Aggrieved over the same, the Plaintiffs are before this Court by way of preferring this Second Appeal.

4. The defendants have also filed a counter stating in paragraph No.4 that the thumb impression is not belonging to the Subbammal.

5. Considering the facts and circumstances of the case, this Civil Miscellaneous Petition is allowed. Registry is directed to send the documents, i.e., Ex.A.1 & Ex.A.5 to the Assistant Director, Regional Forensic Science Laboratory,



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Collector Office Road, Madurai - 625 020 to compare the disputed thumb impression of Subbammal. Registry is further directed to intimate the expenses to the Learned Counsel appearing for the Appellants and the Learned Counsel is to bear the incurred expenses.

6. On such receipt of the aforesaid documents, the Assistant Director, is directed compare the disputed thumb impression in Ex.A.1 along with Ex.A.5 which is admitted and submit a detailed report before this Court.

7. Post the matter on 17.10.2024, for filing report.

sd/-
25/09/2024

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/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KSA

To

1.The Principal Subordinate Judge,
Dindigul.

2.The Principal District Munsif,
Dindigul.



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Copy to:

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1.The Assistant Director,
Regional Forensic Science Laboratory,
Collector Office Road,
Madurai - 625 020.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAMESH, Advocate (SR-11759[I] dated 25/09/2024)

ORDER
IN
CMP(MD) No.9102 of 2024
in
SA(MD) No.708 of 2007
Date :25/09/2024

ED/JGB /SAR- (09/10/2024) 5P / 6 C

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