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C.R.P.(MD)No.1947 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.10.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**C.R.P.(MD)Nos.1947 & 1948 of 2024 and**  
**C.M.P.(MD)No.11097 of 2024**

Panneerselvam

... Petitioner /Petitioner/  
Plaintiff  
in both petitions

Vs.

1. Arul Jeyapal  
2. Thainees

... Respondents/Respondents/  
Defendants  
in both petitions

**COMMON PRAYER :** Civil Revision Petitions filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order dated 04.04.2024 and made in I.A.Nos.3 and 4 of 2024 in O.S.No.172 of 2019 on the file of the Sub Court, Manamadurai, set aside the same and allow this civil revision petitions.

(in both CRPs.)

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : No appearance.

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**COMMON ORDER**

Heard the learned counsel appearing for the revision petitioner.

2. The respondents have been served. However, they have not chosen to enter appearance.

3. The petitioner is none other than the son of the second respondent and brother of the first respondent. The second respondent herein (father) had executed a settlement deed dated 06.01.2016 settling the suit property in favour of the first respondent herein. The petitioner has therefore filed O.S.No.172 of 2019 on the file of the Sub Court, Manamadurai seeking declaration that the suit property belongs to him and for declaration that the settlement deed dated 06.01.2016 executed by the second respondent in favour of the first respondent herein is null and void. The trial in the suit has already been concluded. The petitioner therefore filed I.A.Nos.3 and 4 of 2024 for reopening the suit and for production of the original suit settlement deed dated 06.01.2016. According to the petitioner, there was an agreement among the parties



executed on 18.05.2009 which was marked as Ex.A.2 and Ex.A.3. The petitioner wants to establish that the said agreement dated 18.05.2009 was very much signed by the respondents herein. He therefore wants to compare the admitted signatures found in the settlement deed dated 06.01.2016.

4. The Court below dismissed the said IAs on 04.04.2024 on the ground that the petitioner can very well examine the attesting witnesses of the document or the persons who are acquainted with the signatures of the attesting witnesses.

5. The Court below appears to have lost sight of the fact that it is open to the petitioner herein to prove the agreement dated 18.05.2009 either by examining the attesting witness or by proving the signatures found therein. The petitioner cannot be compelled to adopt any particular mode of proof. The petitioner's counsel states that the attesting witnesses are supporting the stand of the second respondent herein. It is further stated that the second respondent had gone to the extent of disowning the genuineness of the signatures in the Vakalat and written statement during



his cross examination. The original settlement deed dated 06.01.2016 is with the second respondent herein. The petitioner wants to cause its production for the purpose of effecting comparison by taking aid of the expert. It is true that the case is at the stage of arguments.

6. I accept the explanation put forth by the learned counsel appearing for the petitioner for not filing these IAs. earlier. In this view of the matter, the impugned orders are set aside. These civil revision petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

**15.10.2024**

Index : yes/No  
Internet: Yes/No  
PMU



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C.R.P.(MD)No.1947 of 2024

**G.R.SWAMINATHAN,J.**

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To

The Sub Judge,  
Manamadurai.

**C.R.P.(MD)Nos.1947 & 1948 of 2024**

**15.10.2024**