



C.R.P.(MD)No.2633 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2633 of 2024

and

C.M.P.(MD)No.15151 of 2024

1.M.Indrani

2.K.M.Murugesan

... Petitioners / Petitioners / Defendants

Vs.

1.S.Sampath

2.S.Naveen Kumar

... Respondents / Respondents / Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.No.1 of 2024 in O.S.No.490 of 2015 on the file of the Additional District Munsif, Karur dated 18.09.2024 and allow this civil revision petition.

For Petitioners : Mr.T.Joshua

For Respondents : Mr.D.Kirubakarnan,
For M/s.B.Saravanan Associates.

* * *



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ORDER

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Heard both sides.

2.The petitioners are figuring as defendants in O.S.No.490 of 2015 on the file of the Additional District Munsif Court, Karur. The suit is for declaration and permanent injunction. The plaintiffs have propounded a Will. The defendants were of the view that the Will is not genuine. They therefore filed an I.A. for referring the document for obtaining expert opinion. The expert opinion on the thumb impression found in the Will has now come. It appears to be adverse to the petitioners' case. The petitioners therefore filed the present I.A. for scrapping the report of the expert. The Court below dismissed the same. Challenging the same, this civil revision petition came to be filed.

3.The present situation is entirely the making of the revision petitioners. The reference to the expert was made at their instance. Now that the expert's report is not convenient, the petitioners want to scrap the same. It cannot be permitted. However, it is well settled that an expert's opinion is not binding on the Court. If it is a case of Will, it must be proved only in the manner set out in Section 68 of the Indian Evidence Act, 1872. In any event, the parties can reserve all their arguments for the final hearing of the suit. Interference with



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the impugned order is not warranted and the civil revision petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

24.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Additional District Munsif Court,
Karur.



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G.R.SWAMINATHAN, J.

ias

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