



WEB COPY



C.R.P. (PD) No.1283 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.08.2025
PRONOUNCED ON : 29.08.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P. (PD) No.1283 of 2024
and
C.M.P. No.7493 of 2024

D. Saroja ... Petitioner
vs.
1. Rani
2. S. Shankari
3. Kanniammal @ Krishnaveni
4. A. Suresh
5. M.P. Dinakar Soundrapandian ... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order made in I.A. No.6 of 2022 in O.S. No.155 of 2019, dated 02.12.2023 by the learned Principal Sub Judge, Chengalpet by allowing this Civil Revision Petition.

For Petitioner : Mr. K. N. Pandian
For Respondents : Mr.K. Govi Ganesan for R1 & R2
No appearance for RR3 to 5

ORDER



C.R.P. (PD) No.1283 of 2024

WEB COPY

The 4th defendant in O.S. No.155 of 2019 is the revision petitioner.

An application in I.A. No.6 of 2022 for appointment of an Advocate Commissioner to send the thumb impressions of the 1st plaintiff and the 2nd plaintiff, as found in the Sale Deed, 07.04.1997 and thumb impression of the 1st plaintiff found in registered Power of Attorney, dated 01.11.2013 and the first thumb impression of S. Sankari, the 2nd plaintiff found in registered Power of Attorney, dated 13.09.2013 to the hand writing expert for comparison of the thumb impression has been allowed by the trial Court. The said application was taken out by the plaintiff in the said suit. Challenging the said order, the present revision petition has been filed.

2. I have heard Mr.K.N. Pandian, learned counsel for the petitioner and Mr.K.Goviganesan, learned counsel for the respondents 1 and 2.

3. It is the case of the petitioner that the trial Court has erroneously allowed the application seeking comparison of the thumb impressions as the thumb impression with passage of time would change and cannot be relied upon under the provisions of the Indian Evidence Act, especially after the lapse of more than 25 years.

4. Mr.K.N. Pandian, learned counsel for the petitioner states that



the plaintiffs were aware of the property having been dealt with and the suit claim itself is hopelessly barred by limitation, having not been filed within a period of three years and especially after the plaintiff had knowledge even in the year 1997. He would therefore state that the trial Court has clearly fell in error in permitting comparison of the thumb impressions.

5. Per contra, Mr.K.Govi Ganesan, learned counsel for the respondents 1 and 2 would state that the trial Court, by a well considered order, has allowed the application, finding that reasonable opportunity will have to be given to the plaintiffs, to prove their case and therefore, no interference is warranted in revision.

6. I have carefully considered the submissions advanced by the learned counsel on either side and also gone through the order impugned in the present revision petition. The plaintiffs have filed a suit for declaration of title and for the relief of permanent injunction. According to the plaintiffs, a fraudulent Sale Deed was created to defeat the rights of the plaintiffs and they have disputed the claim that they went over to the Sub Registrar's office and affixed their thumb impressions in the documents. They have denied that they have executed any document in favour of the first defendant and according to the plaintiffs, their claim is



WEB COPY

that the document is a result of forgery. In order to establish the said claim, the plaintiffs have taken out the application, seeking for comparison of the thumb impressions. The application was resisted on the ground that the challenge to the transaction is highly belated and property having changed hands subsequently, it is not open to the petitioners to seek for comparison of the thumb impressions and that the hand writing expert would not be competent to verify the thumb impressions after passage of several years. The trial Court, after factoring the objections of the revision petitioner, came to the finding that the suit is for declaration and the specific allegation of the plaintiffs is that no Sale Deed was executed in favour of the 1st defendant's mother, and felt it proper and necessary to permit the comparison as prayed for by the plaintiffs. The trial Court has also addressed the objection of the revision petitioner that it is for the Expert to state whether the thumb impressions affixed in the year 1997 can or cannot be compared with the thumb impressions in admitted documents executed several years later.

7. I do not find that the findings rendered by the trial Court are improper or perverse and the trial Court in its discretion, having sat through the evidence adduced by the parties, has come to the conclusion



C.R.P. (PD) No.1283 of 2024

that the plaintiffs will have to be given an opportunity to prove their case of forgery. Therefore, I do not find any justifiable grounds having been made out, warranting interference under Article 227 of the Constitution of India.

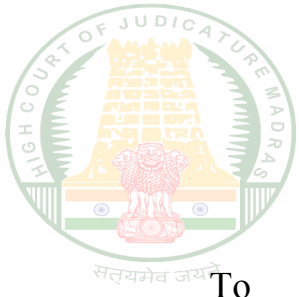
8. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2025

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

P.B. BALAJI, J.

vsi2



C.R.P. (PD) No.1283 of 2024

WEB COPY
To
The Principal Sub Judge,
Chengalpet.

PRE-DELIVERY ORDER
IN
C.R.P. (PD) No.1283 of 2024
and
C.M.P. No.7493 of 2024

29.08.2025