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C.R.P (PD) No.1244 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

C.R.P (PD) No. 1244 of 2025

and

C.M.P.No. 7472 of 2025

Kannammal

... Petitioner

VS.

1.A.Shankar

2.M.Manokaran

3.Jayapal

4.N.Kumaravel

5.M.Munusami Reddy

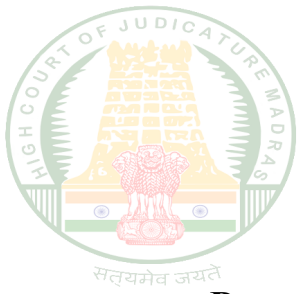
6.M.Jayaraman

7.M.Balaraman

8.Muthammal

... Respondents

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C.R.P (PD) No.1244 of 2025

WEB COPY

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 01.03.2025 made in IA.No.2 of 2024 in OS.No.13 of 2009 on the file of the District Munsif, Sholinghur, Ranipet District.

For Petitioner : M/s. S.Jeremiah G.

ORDER

Aggrieved by the dismissal of their application to direct the Director of the Forensic Sciences Laboratory, Hyderabad, to depute finger print expert to appear before the District Munsif, Sholinghur, and to take photograph of the disputed thumb impression in Ex.A.13 and compare it with the admitted thumb impression contained in Ex.X.1 to Ex.X.3 and submit a report to the Court, the petitioner before this Court.



WEB COPY 2. For ease of understanding the parties are referred to in the same rank as before the Trial Court.

3. The plaintiffs filed a suit for partition in OS.No.13 of 2009 seeking for partition of the suit property into two equal shares and allotting one share to the plaintiff. The plaintiffs would contend that the property belonged to one Govinda Reddy who had four sons, namely, Chinna Munusami Reddy, Muthappa Reddy, Murugappa Reddy and Perumal Reddy. The third and fourth sons died issue less and the other two sons had inherited suit property.

4. The plaintiffs are the daughters of the said Chinna Munusami Reddy who had passed away in the year 1995 leaving behind him surviving the plaintiffs as his legal heirs. The 5th defendant is the son of Muthappa Reddy and the defendants 6 and 7 are the sons of 5th defendant.



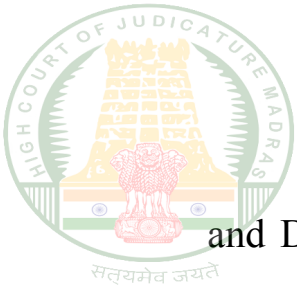
WEB COPY 5. On 17.11.2009 the 5th defendant died leaving behind him surviving respondents 6 and 7 to succeed to his share in the suit property. The petitioners would submit that respondents 6 and 7 and themselves are in possession and enjoyment of the suit property. While so, the defendants 1 to 3 claimed title to the suit property on the basis of the sale deed alleged to have been executed by Chinna Munusami Reddy on 27.11.1948 registered as Doc.No.4151 of 1948 on the file of the SRO, Arakkonam.

6. It is the contention of the plaintiffs that the sale deed could not have been executed by their father on 27.11.1948 as he had passed away on 05.09.1945. That apart, he had earlier executed a sale deed dated 24.09.1993 in favour of one Amma Kannammal. The plaintiffs had disputed the signature in the sale deed dated 27.11.1948. Therefore, they had taken out the application, subject matter of this revision petition.



WEB COPY 7. The 1st and 2nd defendant filed a counter to the above petition by contending that the revision petitioners are total strangers to the suit property and the suit has been filed at the behest of respondents 5 to 7. The son of the 6th defendant one Perumal had filed suit OS.No.52 of 2011 before the District Munsif, Sholinghur for an injunction. The present schedule of property is one and the same as that of the earlier suit. OS.No.52 of 2011 was dismissed by Judgement and Decree dated 17.07.2023.

8. That apart, one Ponniyammal was the owner of the suit property. Since one Muthappa Reddy @ Chinna Munusami Reddy, Jayaraman and Balaraman had attempted to interfere with her title and the possession Ponniyammal had filed a suit OS.No.674 of 1985 on the file of the District Munsif, Sholinghur, for declaration and injunction restraining them from interfering with her peaceful possession and enjoyment of the property. The said suit was decreed by Judgement



C.R.P (PD) No.1244 of 2025

and Decree dated 29.04.1992. The appeal preferred by defendants in AS.No.62 of 1992 was also dismissed thereby confirming the Judgement and Decree in OS.No.674 of 1985.

9. Thereafter, the defendants had filed SA.No.1262 of 1997 on the file of this Court which was also dismissed. That order has been taken up on appeal before the Hon'ble Supreme Court in SLP.(C).No.38624 of 2016 and the SLP was also dismissed.

10. This Court in SA.No.1262 of 1997 had held that the father of the 1st defendant therein Muthappa Reddy who was party to the partition had not questioned Ex.A.13 sale deed executed by his brother in the year 1948 at any point in time. If there was no partition, Muthappa Reddy would have been the first person to question the sale. Consequently, 1st defendant therein has chosen to remain ex parte in the suit, which would clearly show that he has accepted the claim of the plaintiff.



WEB COPY 11. Thirdly the 1st defendant had already filed a suit OS.No.384 of 1968 seeking declaration and injunction in respect of the suit property and the same came to be dismissed. In this proceedings the genuineness and authenticity of Ex.A.13 had been decided by the Court during Trial of OS.No.384 of 1968 and 267 of 1979. The genuineness was upheld. Therefore, the claim of the petitioners that the sale deed dated 27.11.1948 could not have been executed by Chinna Munusamy Reddy since he was not alive on the date of the execution of the sale deed cannot be countenanced.

12. The respondents would submit that in the suit OS.No.13 of 2009 the petitioners had taken out very similar application in IA.No.294 of 2018 for sending Ex.A.13 for an expert opinion. It appears that the expert had also given their report on 02.09.2024. Thereafter the plaintiffs have filed their objections. That being the case the present application once again for sending document for verifying



the signature and thumb impression is absolutely redundant.

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13. The learned Trial Judge after considering the records had proceeded to dismiss the application by holding that the report has already been received and once again there was no necessity to send the same.

14. Challenging the same, the petitioner is before this Court.

15. Mr. G.Jeremiah, learned counsel for the petitioner would submit that it was not Ex.A.13 but some other document forwarded for comparing the signature. Therefore, the report of the Forensic Expert cannot be taken into consideration.

16. Since the learned counsel had made such a statement before this Court this Court directed the learned District Munsif, Sholinghur to forward a report regarding the earlier proceedings in OS.No.13 of



C.R.P (PD) No.1244 of 2025

2009.

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17. The report dated 07.04.2025 has also been received by this Court on 08.04.2025.

18. A reading of the same would clearly indicate that the document forwarded in a sealed cover was a sale deed dated 27.11.1948 registered as Doc.No.4151 of 1948 and which has been marked as Ex.A.13.

19. Therefore, the contention of the petitioners herein that it was different document that has been sent for the expert's opinion is not a true statement. It appears that while typing out the document number the “1” after “5” has been left out and in the report it is shown as Doc.No.415 / 1948 instead of Doc.No.4151/1948. Once again the very same request has been made in the instant application.



C.R.P (PD) No.1244 of 2025

WEB COPY 20. Therefore, considering the earlier order and the report there is no necessity to once again invite the report of the expert. The Trial Court has rightly dismissed the application. I see no reason to interfere with the same.

21. The civil revision petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

09.04.2025

Index: Yes/No
Internet: yes/No

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C.R.P (PD) No.1244 of 2025

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To

The District Munsif,
Sholinghur,
Ranipet.



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C.R.P (PD) No.1244 of 2025

P.T. ASHA.J

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C.R.P (PD) No.1244 of 2025

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