



CRP Nos.1518 and 1521 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP Nos. 1518 and 1521 of 2023

and CMP No.10014 of 2023

Smt.Pongiathal (Died)

Smt.Vasanthi (Died)

1.Smt.Lakshmi

2.Smt.Rukmani

3.Vasanthakumar

4.Sureshkumar

5.Smt.Vijayashanthi

... Petitioners in both the revisions

Vs

1.Palanisamy

2. The State

Rep by the District Collector,
Collectorate, Tiruppur.

3. The Tahsildar,
Taluk Office, Palladam.

4. The Village Administrative Officer,
Anuppatti Village, Palladam Taluk,
Tiruppur District.

5. The District Revenue Officer,
Collectorate, Tiruppur.

6. The Revenue Divisional Officer,
Tiruppur.

.... Respondents in both the revisions



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Revisions filed under Article 227 of Constitution of India tagainst the order dated 24.01.2023 made in I.A.Nos.401 and 400 of 2022 in O.S.No.90 of 2008 on the file of District Munsif Court, Palladam.

For Petitioners : Mr.S.Adaikkappan @ Sithirai Anandam

For Respondents : Mr.C.R.Prasanan

For R.1

Mr.C.Muthuvel

Govt.Advocate

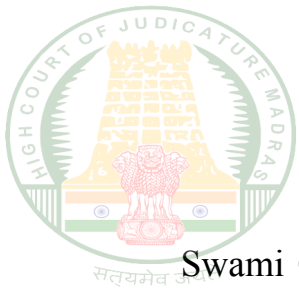
For R.2 to R>6

COMMON ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The the plaintiffs are the revision petitioners, aggrieved by the dismissal of their applications filed under Sections 45 and 73 of Indian Evidence Act, 1872.

3. Learned counsel for the petitioners would state that the applications were filed even at the stage of framing of additional issues and there was no delay on the part of the plaintiffs to seek for an expert opinion regarding the truth and genuineness of the signatures of the testator the father Perumal



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Swami Gounder. The signature of the mother was not sought to be sent for expert opinion or comparison. The trial Court has also dismissed the applications on the ground that the petitioners have not been able to produce contemporaneous documents. Pending revision, the learned counsel for the petitioner is able to produce the register of the year 1974 from the Anuppampatti Primary Agricultural Cooperative Credit Society where the signature of Perumal Swami Gounder is affixed in May 1972 as well as in April 1974. The signature affixed in April 1974 would certainly be contemporaneous to the Will dated 16.08.1976.

4. However, the request of the petitioners for sending the documents for expert opinion is strongly opposed by the learned counsel for the respondents. He would state that the power of the Court can always be exercised and moreover, the attesting witnesses have already been examined and their evidence is also available for the benefit of the Court to arrive at a conclusion with regard to the truth and genuineness of the Will dated 16.08.1976. Learned counsel also placed reliance on the decision of this Court in *Arul Jothi & Co rep by its partner M.Chinnasamy and 4 others vs Sri Shanmugha Trading Co., rep by its Partner M.Thangavelu*, where this Court has held that comparison of signature with the admitted signature can



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be done even by the Court and the same was valid and correct.

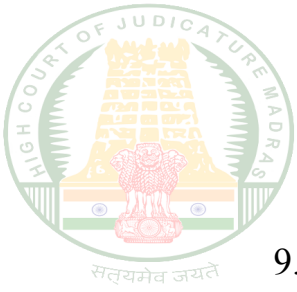
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5. Further in the present case, the petitioners themselves have taken out an application, seeking for comparison of the signatures, for which, the respondents have also expressed no objection even before the trial Court.

6. In the light of the above, I do not see any impediment for the trial Court to assess the evidence of the attesting witnesses along with the signatures available in the Will and the Register of the Anuppampatti Primary Agricultural Cooperative Credit Society which contains the signatures of the testator affixed in the year 1974.

7. Learned counsel for the petitioners undertakes to produce the original or certified copy of the said Register of the Anuppampatti Primary Agricultural Cooperative Credit Society before the trial Court.

8. Learned counsel for the respondents submits that at the time of the matter being reserved for judgment alone, the present revisions came to be filed and interim order was granted.



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9. In the light of the above, I am inclined to direct the trial Court to take into consideration the admitted signatures of Perumal Swami Gounder which is available in the year 1974 and compare the same with the signature of Perumal Swami Gounder in the Will dated 16.08.1976 and taking into account the evidence of the attesting witnesses which is already available on record, the trial Court shall proceed to give a finding with regard to the truth and genuineness of the Will on merits and in accordance with law, while deciding the suit on merits.

10. Considering the suit is of the year 2008, I direct the District Munsif, Palladam to dispose of the suit on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

11. In the result,

(i) CRP No.1521 of 2023 is allowed.

(ii) CRP No.1518 of 2023 is dismissed and I do not find any requirement for sending the admitted signatures for comparison with the



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P.B.BALAJI,,J

sr

disputed signature of the Will to an Expert, in the light of what has been stated herein above.

No costs. Consequently, connected miscellaneous petition is closed.

13.08.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To

The District Munsif Court, Palladam

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